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## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration, Department of Agriculture

#### PART 5—SURPLUS PROPERTY DISPOSAL

##### NOTICE BY MAIL; SELECTION OF ACCEPTABLE PURCHASERS

Sections 5.38 and 5.111, Chapter I, Title 6, Code of Federal Regulations are amended to read as follows:

§ 5.38 *Notice by mail.* (a) Where (1) a transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, its need being recognized as paramount, or (2) a transfer is requested by the National Housing Administrator pursuant to Public Law 292, 79th Congress, no notice to other Government agencies is required. In all other cases where a transfer is requested by a Government agency, the disposal agency shall send (not publish) a notice of availability by mail to all Government agencies listed in exhibit 36 of these regulations. When publication is required, as provided by § 5.32, at the time of the first publication of the notice, the disposal agency shall send a copy of the notice by mail to all Government agencies listed in exhibit 36 hereof, to the State and the political subdivision in which the property is located, and in the case of harbor, port terminal, or airport property, to political subdivisions in the vicinity thereof. In addition notice should be sent to any State or local government or to any nonprofit institution which has expressed an interest in the property. A similar notice shall be sent by registered mail to the last known address of the former owner with return receipt except in those cases where a State or local government has indicated its intention to exercise its priority to acquire the property. Where the former owner is outside the continental United States, a copy of the notice to the former owner may be sent to the spouse at the last known address. Notices to the State governments shall be addressed to the Secretary of State, and those to political subdivisions of a State should be ad-

ressed to appropriate officers. In order to bring to the attention of the proper officials the special priority of State and local governments in reestablishing highways or streets, a covering letter to the Secretary of State should be sent with the notice of sale, advising him that no additional notice has been mailed to the other State officers and requesting that he bring this matter to the attention of the appropriate State officials who might be interested. Also a copy of the notice should be sent by registered mail to the county highway commissioners and other appropriate officials of incorporated cities or municipalities or other political subdivisions in which the property is located. Such notices should be accompanied by a covering letter, which may be a circular letter, calling attention to the special priorities provided by the act and regulations and quoting the pertinent portion of WAA regulation 5. If there is any question as to the political subdivisions within a State, information should be requested from the Secretary of State prior to sending out notices.

(b) In addition to the foregoing notices to Government agencies, as soon as arrangements have been completed for the first publication of notice, or after a request for transfer has been received from a Federal agency, but in no event less than twenty (20) working days prior to the first publication of the notice of availability or the date notices of availability are mailed to Federal agencies whichever the case may be, an advance notice shall be forwarded to each of the Federal agencies listed in exhibit 36. Each such advance notice shall identify the particular property and contain a brief description thereof, stating that the first publication of the notice of availability will be made, or, if notice is not to be published, that notice of availability is to be mailed to Federal agencies, on or about a specified date; that the Federal agency will have ten (10) days after such publication or mailing date to exercise its priority; and shall suggest that the agency, if interested, immediately contact the District Office for further information or data, if desired. (Source: § 307.08, Farm Credit

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Administration, Surplus Property Disposal Manual.)

§ 5.111 *Selection of acceptable purchasers.* If acceptable offers are received, they should be handled in accordance with the procedure for processing other types of offers. If only one offer is received for any particular tract and it is acceptable, it may be submitted immediately to the district office for approval. If acceptable offers are received to purchase the same property from two or more owner-operators, the offer to be accepted shall be selected by taking into consideration actual proposals received and the use of the property most desirable in the light of the applicable objectives of the act unless otherwise authorized by the Administrator. If, as presumably would be the ordinary case, such consideration disclosed no proper grounds for preferring one owner-operator offer to another, selection by lot would be the proper procedure. (Source: § 605.02, Farm Credit Administration, Surplus Property Disposal Manual.)

(58 Stat. 765, 50 U. S. C. App. 1611; WAA Reg. 1; WAA Reg. 5; Order of the Secretary of Agriculture, 10 F. R. 4647)

Dated: December 28, 1948.

[SEAL] I. W. DUGGAN,  
Governor.

Approved: January 10, 1949.

A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 49-307; Filed, Jan. 12, 1949; 8:51 a. m.]

## TITLE 7—AGRICULTURE

## Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

## PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

## EXEMPTIONS

By virtue of the authority vested in the Secretary of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act, approved June 25, 1947 (7 U. S. C., Supp. 1, sec. 135 et seq.), and after consideration of all data, views, or arguments presented pursuant to the notice of proposed rule-making published in the FEDERAL REGISTER on November 13, 1948 (13 F. R. 6685), it is hereby determined that the coloration or discoloration of the economic poison sodium fluoride for use as a fungicide solely in the manufacture or processing of rubber, glue, or leather goods when such coloration or discoloration will be likely to impart objectionable color characteristics to the finished products and when the sodium fluoride will not be present in such finished products in sufficient quantities to cause injury to any person, and will not come into the hands of the public except after incorporation into such finished products, is not necessary for the protection of the public health.

Now, therefore, by virtue of the aforesaid authority, § 162.18 (7 CFR, 1947 Supp. 162.18) of the regulations promulgated for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act is hereby amended to read as follows:

§ 162.18 *Exemptions.* (a) Any economic poison specified in § 162.12 of these regulations which is intended solely for use by a textile manufacturer or commercial laundry, cleaner or dyer as a mothproofing agent, which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric shall be exempt from the requirements of section 3 (a) (4) of the act and § 162.12.

(b) The economic poison sodium fluoride shall be exempt from the requirements of section 3 (a) (4) of the act and § 162.12 (c) when (1) it is intended for use as a fungicide solely in the manufacture or processing of rubber, glue, or leather goods; (2) coloration of said economic poison in accordance with said requirements will be likely to impart objectionable color characteristics to the finished goods; (3) said economic poison will not be present in such finished goods in sufficient quantities to cause injury to any person; and (4) said economic poison will not come into the hands of the public except after incorporation into such finished goods.

Since the foregoing amendment recognizes an exemption with respect to the economic poison sodium fluoride from the provisions of section 3 (a) (4) of the Federal Insecticide, Fungicide, and Rodenticide Act and § 162.12 (7 CFR 162.12) of the regulations promulgated pursuant thereto, this exemption shall become

effective immediately after publication thereof in the FEDERAL REGISTER.

(Sec. 6, 61 Stat. 168; 7 U. S. C. Supp. 135d)

Issued this 10th day of January 1949.

[SEAL] A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 49-299; Filed, Jan. 12, 1949; 8:49 a. m.]

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

## PART 803—SUGAR EXPORTS

## TERMINATION OF RESTRICTION ON EXPORTS OF SUGAR

Notification is hereby made that Sugar Export Control Order 1 (12 F. R. 2647) expired on October 31, 1947 by reason of the termination of the Sugar Control Extension Act of 1947 on that date. Therefore, Part 803 of Title 7 of the Code of Federal Regulations is deleted.

(61 Stat. 35)

Issued this 10th day of January 1949.

[SEAL] A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 49-304; Filed, Jan. 12, 1949; 8:50 a. m.]

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

## PART 904—MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

## ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

## Correction

In Federal Register Document 48-11462, appearing at page 9293 of the issue for Friday, December 31, 1948, paragraph 1 c of the "Order relative to handling" should read as follows:

c. Renumber the present subparagraph (7) of § 904.1 (b) as (6), and delete therefrom the phrase "and a segregated dairy farmer."

## TITLE 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

## Subchapter B—Immigration Regulations

## PART 110—PRIMARY INSPECTION AND DETENTION

## CHANGE IN DESIGNATION OF CERTAIN AIRPORTS OF ENTRY FOR ALIENS

Section 110.3, *Airports of entry*, Chapter I, Title 8 of the Code of Federal Regulations is hereby amended by deleting the following names of locations and airports from the list of temporary airports of entry for aliens in paragraph (b) and by including such names, in alphabetical order, in the list of permanent airports of entry for aliens in paragraph (a):

Duluth, Minnesota/Sky Harbor Seaplane Base.

Juneau, Alaska, C. A. A. Field.

This change in designation shall become effective upon publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary because the change in designation from temporary to permanent airports of entry for aliens relates to a matter of agency management which has no effect on the type of service rendered to the public by the Immigration and Naturalization Service.

(Sec. 7 (d), 44 Stat. 572, sec. 1, 54 Stat. 1233; 49 U. S. C. 177 (d))

TOM C. CLARK,  
Attorney General.

Recommended: December 20, 1948.

WATSON B. MILLER,  
Commissioner of Immigration  
and Naturalization.

[F. R. Doc. 49-289; Filed, Jan. 12, 1949;  
8:48 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Bureau of Animal Industry, Department of Agriculture

#### Subchapter F—Animal Breeds

#### PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

On December 7, 1948, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-10623; 13 F. R. 7436) regarding a proposed revision of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR Part 151, as amended) under paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, par. 1606, and Pub. Law 475, 80th Cong., 62 Stat. 161). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following regulations are hereby promulgated under the authority contained in said act.

#### DEFINITIONS

- Sec.  
151.1 Terms defined.
- CERTIFICATION OF PUREBRED ANIMALS
- 151.2 Issuance of certificates of pure breeding.
- 151.3 Application for certificates of pure breeding.
- 151.4 Pedigree certificates.
- 151.5 Transfers of ownership.
- 151.6 Alteration of pedigree and transfer certificates.
- 151.7 Affidavit of identity.
- 151.8 Examination of animals.
- 151.9 Eligibility of animals for certification.

#### RECOGNITION OF BREEDS AND BOOKS OF RECORD

- 151.10 Recognized breeds and books of record.
- 151.11 Recognition of additional breeds and books of record.

#### GENERAL

- 151.12 Effective date and notice of supersession.

AUTHORITY: §§ 151.1 to 151.11 issued under sec. 201, par. 1606, 46 Stat. 590, 673, as amended, Pub. Law 475, 80th Cong., 62 Stat. 161; 19 U. S. C. 1201, par. 1606)

§ 151.1 *Terms defined.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. Unless otherwise clearly indicated by the context, whenever the following words, names, or terms are used in the regulations in this part they shall be construed, respectively, to mean:

(a) *Animal.* Any purebred animal imported specially for breeding purposes except a black, silver, or platinum fox, or any fox which is a mutation, or type developed, therefrom.

(b) *Purebred.* A term applicable to animals which are the progeny of known and registered ancestors of the same recognized breed and for which at least three generations of ancestry can be traced.

(c) *Book of record.* A printed book sponsored by a registry association and containing breeding data relative to a large number of registered purebred animals used for the issuance of pedigree certificates.

(d) *Pedigree certificate.* A document issued by a registry association giving the pedigree of an animal and certifying that it is registered in the book of record of the association issuing the document.

(e) *Certificate of pure breeding.* A document issued by the Chief of the Bureau to, and for the exclusive use of, the collector of customs, United States Treasury Department.

(f) *Port of arrival.* The port (coastal or border) where animals first come into the United States.

(g) *Port of entry.* The port where customs entry is made.

(h) *Inspector.* An inspector of the Bureau of Animal Industry of the United States Department of Agriculture or of the Bureau of Customs of the United States Treasury Department authorized to perform functions under the regulations in this part.

(i) *Bureau.* The Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture.

(j) *Chief of the Bureau.* The Chief of the Bureau or any officer or employee of the Bureau to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(k) *Department.* The United States Department of Agriculture.

(l) *The act.* Paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1946 ed. 1201, paragraph 1606, and Pub. Law 475, 80th Cong., 62 Stat. 161).

#### CERTIFICATION OF PUREBRED ANIMALS

§ 151.2 *Issuance of certificates of pure breeding.* The Bureau will issue certificates of pure breeding for animals claimed to be entitled to free entry under the act upon compliance by the importer with the requirements of the regulations in this part. Such certificates will be issued to the collector of customs at the port of entry of such animals.

§ 151.3 *Application for certificates of pure breeding.* Application for certificates of pure breeding executed by the importer of the animals or his agent may be made to the Bureau after customs entry has been made, on forms furnished or approved by the Bureau, showing the surname of the importer and his given name, or initials, if any; the address (in the United States) of the importer; the number, breed, and sex, and port and date of arrival of the animals imported; the customs entry number of the importation; and the name of the vessel or other carrier by which shipped.

§ 151.4 *Pedigree certificates.* Pedigree certificates for the animals listed in § 151.10, issued by the custodian of the appropriate book of record listed in said section, shall be furnished by the importer or his agent to the inspector at the time of examination of the animals as provided in § 151.8. Following examination of the animals, the importer or his agent shall present the pedigree certificate to the Bureau at the time of making application for certificates of pure breeding as provided in § 151.3. The Bureau will later return the papers to the party who submitted them. A verbatim translation of the description relating to color and markings shall appear in English in the pedigree certificate for each animal or in a separate certificate appended to the pedigree certificate.

§ 151.5 *Transfers of ownership.* A complete record of transfers of ownership, from the breeder to and including the United States importer, of animals for which certificates of pure breeding have been requested shall be furnished to the Bureau by the importer or his agent. Such transfers shall have been recorded on the pedigree certificates by the registry association or on certificates of transfer issued and approved by the registry association.

§ 151.6 *Alteration of pedigree and transfer certificates.* No pedigree certificate or certificate of transfer of ownership which in the opinion of the Chief of the Bureau has been substantially altered will be accepted.

§ 151.7 *Affidavit of identity.* An affidavit by the owner, agent, or importer, duly acknowledged before an officer having authority to administer oaths, stating that the animals declared for free entry under the Act are the identical animals described in the pedigree certificates, shall be furnished to the Bureau by the importer or his agent.

§ 151.8 *Examination of animals.* An examination (for the purpose of determining identity) shall be made by an authorized inspector at the coastal or border port of arrival of all animals imported under the regulations in this part. The importer or his agent shall provide adequate assistance and facilities for restraining and otherwise handling the animals and present them in such manner and under such conditions as in the opinion of the inspector will make a proper examination possible. Otherwise the examination of the animals will be refused or postponed by the inspector until the importer or his agent meets these requirements at the port of arrival. Pedigree certificates and certificates of

transfers of ownership for all animals for which free entry is claimed under the act, shall be presented at the port of arrival of the animals to the inspector making the examination. Removal of the animals from the port of arrival prior to the presentation of the pedigree certificates and certificates of transfers shall constitute a waiver of any further claim to certification under the regulations in this part.

§ 151.9 *Eligibility of animals for certification.* To be eligible for certification under the act, animals must be purebred of a recognized breed and have been registered in good faith in a book of record listed in § 151.10 and must not have

been registered on inspection without regard to purity of breeding.

#### RECOGNITION OF BREEDS AND BOOKS OF RECORD

§ 151.10 *Recognized breeds and books of record.* Breeds of animals and books of record listed in paragraphs (a) and (b) of this section are hereby recognized. Recognition of such breeds and books of record will be continued, however, only if the books of record involved are kept by the custodians thereof in a form which is reasonably current in the opinion of the Chief of the Bureau. Books of purebred registration shall be sent to the Bureau at Washington 25, D. C., through the United States Govern-

ment Despatch Agency, 45 Broadway, New York 6, N. Y., U. S. A., immediately following their publication.

(a) *Breeds and books of record in countries other than Canada.* Books of record of the registry associations listed below are recognized for the following breeds: *Provided*, That no Norman cattle or Criolla or Westland horse or dog or cat registered in any of the books named shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal.

Name of breed	Book of record	By whom published
<b>CATTLE</b>		
Aberdeen-Angus	Aberdeen-Angus Herd Book	Aberdeen-Angus Cattle Society, Alexander Keith, secretary, 61 Union St., Aberdeen, Scotland.
Africander	Africander Section of the South African Stud Book	South African Stud Book Association, W. Smith, secretary, White House, St. Andrew St., Bloemfontein, Union of South Africa.
Alderney	Herd Book of the Bailwick of Guernsey (Alderney Branch).	Royal Alderney Agricultural Society (The Alderney Branch of the Royal Guernsey A. and H. Society), Captain James A. L. Bryan, secretary, 5 Little St., Alderney, C. I., Channel Islands.
Ayrshire	Ayrshire Herd Book	Ayrshire Cattle Herd Book Society of Great Britain and Ireland, Hugh Bone, secretary, 1 Racecourse Rd., Ayr, Scotland.
Charolaise	Herd Book De La Race Bovine Charolaise.	Syndicat Central D'Expertation De La Race Bovine Charolaise Etienne Chatelin, secretary, 9 Rue Gambetta, Nevers, France.
Devon	Davy's Devon Herd Book	Devon Cattle Breeders' Society, Francis James Morle, secretary, Wivelcombe, Somerset, England.
Dexter	Dexter Herd Book	Dexter Cattle Society, M. F. J. Batling, secretary, 12 Station Rd., Reading, Berkshire, England.
Galloway	Galloway Herd Book	Galloway Cattle Society of Great Britain and Ireland, R. A. Gourlay, secretary, Auchnahoy, Corsock, Castle-Douglas, Scotland.
Guernsey	English Guernsey Herd Book	English Guernsey Cattle Society, R. H. Holmes, secretary, 63 Wimpole St., London, W. 1, England.
Do	Herd Book of the Bailwick of Guernsey (Guernsey Branch).	Royal Guernsey Agricultural and Horticultural Society, Ernest de Garis, secretary, States Arcade Balcony, Guernsey, Channel Islands.
Hereford	Herd Book of Hereford Cattle	Hereford Herd Book Society, H. F. Davies, secretary, 3 Offa St., Hereford, England.
Highland	Highland Herd Book	Highland Cattle Society of Scotland, John Stewart, secretary, Commercial Bank Bldg., Dunblane, Scotland.
Holstein-Friesian	Friesch / Rundvee-Stamboek.	Vereeniging: "Het Friesch Rundvee-Stamboek," Ir. H. G. A. Leignes Bakhoven, secretary, Zuiderplein 2-4, Leeuwarden, Netherlands.
Do	Nederlandsch Rundvee-Stamboek.	Vereeniging: "Het Nederlandsch Rundvee-Stamboek," Ir. W. de Jong, Director, 24 Surinamestraat, The Hague, Netherlands.
Jersey	Jersey Herd Book	Royal Jersey Agricultural and Horticultural Society, H. G. Shepard, secretary, 3 Mulcaster St., St. Helier, Jersey, Channel Islands.
Do	English Jersey Herd Book	English Jersey Cattle Society, Edward Ashby, secretary, 19 Bloomsbury Sq., London, W. C. 1, England.
Kerry	British Kerry Cattle Herd Book	British Kerry Cattle Society, R. O. Hubl, secretary, The Milestone, Stanmore Hill, Middlesex, England.
Do	Kerry Cattle Herd Book	Royal Dublin Society, J. Heskeith Carnegie, editor, Ball's Bridge, Dublin, Ireland.
Norman	Herd-Book de la Race Normande Pure.	L'Association du Herd-Book Normand, Jacques Lefebvre, secretary, Cours Eddi-Carnot, Caen, France.

Name of breed	Book of record	By whom published
<b>CATTLE—Continued</b>		
Red Danish	Stambog over Rødt og Hvidt Dansk Malkeko.	De Samvirkende Danske Landboforeninger, M. Nielsen, consultant, Axelberg 4 Sal, Copenhagen V, Denmark.
Red Poll	Red Poll Herd Book	Red Poll Cattle Society of Great Britain and Ireland (Incorporated), C. H. Clarke, secretary, Commerce Chambers, 10 High St., Ipswich, England.
Sherthern	Coates's Herd Book	Sherthern Society of Great Britain and Ireland, Leonard Bull, secretary, Victoria House, Southampton Row, London, W. C. 1, England.
South Devon	Herd Book of South Devon Cattle	South Devon Herd Book Society, R. F. Johnson, secretary, Midland Bank Chambers, Newton Abbot, Devon, England.
Sumner	Sumner Herd Book	Sumner Herd Book Society, A. G. Holland, secretary, 5 Broadway East, Denham, Uxbridge, Middlesex, England.
Welsh	Welsh Black Cattle Herd Book	Welsh Black Cattle Society, G. O. Thomas, secretary, Bank Chambers, Bangor, North Wales.

<b>Horses</b>		
Araban	Arab Horse Stud Book	The Arab Horse Society, Brigadier W. H. Anderson, secretary, Orchard House, Waltham St. Lawrence Nr. Reading, Berks, England.
Do	Polska Konia Stadna Koni Arabskich Czyszej Kwi.	Towarzystwo Hodowli Konia Arabkiego, Dr. Edward Skorkowski, secretary, Urzednicza 48, Krakow, Poland.
Do	General Stud Book	Weatherby & Sons, 15 Cavendish Sq., London, W. 1, England.
Do	Stud Book Argentine	Jockey Club, Dr. Oscar M. Vela, secretary, Florida 339, Buenos Aires, Argentina.
Do	Registro-Matricula de Caballos de Pura Sangre.	General Livestock Administration, The Minister of Agriculture, Madrid, Spain.
Do	Stud Book Francais Registro des Chevaux de Pur Sang.	Commission du Studbook Francais de Pur Sang, M. de Malherbe, Inspector General, Chief, Service des Haras, Ministry of Agriculture, Paris, France.
Belgian	Stud-Book des Chevaux de Trait Belges.	Société Royale "Le Cheval de Trait Belge," Chevalier Hyndrick de Thuevallet, secretary, 60 rue Royale, Brussels, Belgium.
Cleveland Bay	Cleveland Bay Stud Book	Cleveland Bay Horse Society, Tom Kirby, secretary, Great Ayton (Middlesbrough), Yorkshire, England.
Clydesdale	Clydesdale Stud-Book	Clydesdale Horse Society of Great Britain & Ireland, Robert Jarvis, secretary, 93 Hope St., Glasgow C. 2, Scotland.
Criolla	"Registro Definitivo" section of the Stud Book Argentine para la Raza Criolla.	Sociedad Rural Argentina, José A. Martinez de Hoz, president, Florida, 400, Buenos Aires, Argentina.
Hackney	Hackney Stud Book	Hackney Horse Society, Robert F. Ling, secretary, 63 Wimpole St., London, W. 1, England.
Percheron	British Percheron Stud Book	British Percheron Horse Society, H. Gordon Smith, secretary, "Hachemore", Fulbourn, Cambs, England.

Name of breed	Book of record	By whom published	Name of breed	Book of record	By whom published
<b>HORSES—Continued</b>			<b>SHEEP—Continued</b>		
Percheron.....	Stud-Book Percheron de France.	Société Hippique Percheronne de France, E. Lemarié, secretary, 7 Rue Vilette-Gate, Nogent-le-Rotrou (E.-&-L), France.	Leicester.....	Leicester Flock Book.....	Leicester Sheep Breeders' Association, C. H. Simpson, secretary, Roselen, Munmauby, Flory, Yorks, England.
Shetland Pony.....	Shetland Pony Stud-Book.	Shetland Pony Stud-Book Society, Walker & Duncan, secretaries, 3 Golden Sq., Aberdeen, Scotland.	Lincoln.....	Flock Book of Lincoln Longwool Sheep.	Lincoln Longwool Sheep Breeders' Association, Fred P. Taylor, secretary, 184 High St., Lincoln, England.
Shire.....	Shire Horse Stud Book.....	Shire Horse Society, A. G. Holland, secretary, 17 Devonshire St., London W. 1, England.	Oxford Down.....	Flock Book Oxford Down Sheep.	Oxford Down Sheep Breeders' Association, Maxwell & Stillgoe, secretaries, 21 Marlborough Rd., Banbury, Oxon, England.
Suffolk.....	Suffolk Stud-Book.....	Suffolk Horse Society, Raymond Keer, secretary, 6 Church St., Woodbridge, Suffolk, England.	Romney Marsh.....	The New Zealand Romney Marsh Flock Book.	New Zealand Romney Marsh Sheep Breeders' Association, Inc., A. H. Maguire, secretary, 63 Kimbolton Rd., Felling, New Zealand.
Thoroughbred.....	Australian Stud Book.....	Australian Jockey Club & Victoria Racing Club, A. Lodon Yulle, Keeper of the Stud Book, 6 Bligh St., Sydney, N. S. W., Australia.	Ryeland.....	Ryeland Flock Book.....	Ryeland Flock Book Society, Ltd., William Henry Woodcock, secretary, St. Outhbert's, 45 Whitecross Rd., Hereford, England.
Do.....	General Stud Book.....	Weatherby & Sons, 15 Cavendish Sq., London, W. 1, England.	Shropshire.....	Shropshire Flock Book.....	Shropshire Sheep Breeders' Association and Flock Book Society, Alfred Mansell & Co., secretaries, College Hill, Shrewsbury, England.
Do.....	Jamaica Stud-Book.....	The Jockey Club of Jamaica, G. Seymour Seymour, secretary, 10 Duke St., Kingston, Jamaica, B. W. I.	Southdown.....	Southdown Flock Book.....	Southdown Sheep Society (Incorporated), W. O. Stride, secretary, Southdown House, St. John's St., Chichester, Sussex, England.
Do.....	Stud Book de Chile.....	Club Hípico de Santiago, Fermín Donoso D., secretary, Santiago, Chile.	Suffolk.....	Suffolk Flock Book.....	Suffolk Sheep Society, Guy P. Lempriere, secretary, 21 Princess St., Ipswich, England.
Do.....	New Zealand Stud Book.....	New Zealand Racing Conference, A. M. McBeath, secretary, Dominion Bldg., Mercer & Wakefield Sts., Wellington, New Zealand.	Wensleydale.....	Wensleydale Longwool Sheep Flock Book.	The Wensleydale Longwool Sheep Breeders' Association, W. Dickinson, secretary, The Gardens, Ulverston, Lancashire, England.
Do.....	Registro-Matricula de Caballos de Pura Sangre.	General Livestock Administration, The Minister of Agriculture, Madrid, Spain.	Various recognized breeds.	New Zealand Flock Book..	New Zealand Sheep Breeders' Association, M. E. Lyons, secretary, 97 Worcester St., Christchurch, C. 1, New Zealand.
Do.....	Stud Book Argentino.....	Jockey Club, Dr. César M. Vela, secretary, Florida 559, Buenos Aires, Argentina.	<b>GOATS</b>		
Do.....	Stud Book Français Register des Chevaux de Pur Sang.	Commission du Studbook Français de Pur Sang, M. de Malherbe, Inspector General, Chief, Service des Haras, Ministry of Agriculture, Paris, France.	Saanen, Toggenburg and Anglo-Nubian.	British Goat Society Herd Book (Saanen, Toggenburg and Anglo-Nubian sections).	British Goat Society, II, 15, Jeffery, secretary, Diss, Norfolk, England.
Do.....	Libro Genealogico del Cavalli di Puro Sangue.	Jockey Club Italiano, Mr. Lenzi, secretary, Piazza Montecitorio 121, Rome, Italy.	<b>HOGS</b>		
Welsh Pony and Cob..	Welsh Stud Book.....	Welsh Pony & Cob Society, T. A. Howson, secretary, Offices of The Royal Welsh Agricultural Society, Studio Buildings, 41a Regent St., Wrexham, Denbighshire, North Wales.	Large Black.....	Large Black Pig Society Herd Book.	Large Black Pig Society, D. J. Roche, secretary, 23 Kingshill Avenue, Kington, Harrow, Middlesex, England.
Westland.....	Stambok over Fjordhest...	Statens Stambokkontor for Hest, W. W. Christie, State Stud-Book Registrar, Munkedamsveien 35, Oslo, Norway.	Berkshire.....	Herd Book of the National Pig Breeders' Association.	National Pig Breeders' Association, A. R. Bennett, secretary, Victoria House, Southampton Row, London, W. C. 1, England.
<b>ASSES</b>			<b>DOGS</b>		
Poitou.....	Jack and Jennet Section of the Stud-Book ou Livre Genealogique des Animaux Mulassiers du Poitou.	Société Centrale d'Agriculture des Deux-Sèvres. Eugene Sagot, president, Niort, France.	Boxer.....	Boxer-Zuchtbuch.....	Fachschaft für Deutsche Boxer, Max Haunstetter, secretary, Osterwaldstrasse 6b, München 23, Germany.
<b>SHEEP</b>			Dobermannpinscher...	Zuchtbuch der Fachschaft für Dobermannpinscher.	Walter Utecht, secretary, Fachschaft für Dobermannpinscher, Landsberger Allee 130, (1) Berlin No. 18, Germany.
Border Leicester.....	Border Leicester Flock Book.	Society of Border Leicester Sheep Breeders, Miss Rose J. E. Grant, secretary, 11 St. Roman's Terrace, Edinburgh 10, Scotland.	Foxhound.....	Foxhound Kennel Stud Book.	Masters of Foxhounds Association, J. W. Fitzwilliam, secretary, 3 St. James's Sq., London, S. W. 1, England.
Cheviot.....	Cheviot Sheep Flock Book.	Cheviot Sheep Society, Guy H. Armstrong, secretary, Commercial Bank Bldgs., Hawick, Scotland.	Do.....	Welsh Hound Stud Book..	Welsh Hound Association, Frank Cooke, secretary, "Gwynfryn", 18 Stuart St., Aberdare, South Wales.
Corriedale.....	The Flock Book for Corriedale Sheep in Australia.	The Australian Corriedale Association, Louis Monod, secretary, Temple Court, 422 Collins St., Melbourne, C. 1, Australia.	German Shepherd.....	Reichs-Zuchtbuch (Abteilung: Deutsche Schäferhunde).	Verein für deutsche Schäferhunde, Hanns Krambelmer, secretary, Ulmerstr. 3, Augsburg 3, Germany.
Do.....	Corriedale Flock Book (New Zealand).	The Corriedale Sheep Society, Inc., C. H. Lawrence, secretary, 164 Hereford St., Christchurch, New Zealand.	Great Dane.....	Stammbuch für Deutsche Doggen.	Deutscher Doggen Club, P. Laub, secretary, Marlenstr. 23, (17a) Karlsruhe, Baden, Germany.
Dorset Horn.....	Dorset Horn Flock Book..	Dorset Horn Sheep Breeders' Association, J. Dean Smith, secretary, Bank Chambers, Dorchester, Dorset, England.	Greyhound.....	Australian Greyhound Stud Book.	The Australian and New Zealand Greyhound Association, R. Maldment, secretary, First Floor, Bank of New Zealand Chambers, 340 Collins St., Melbourne, C. 1, Australia.
Hampshire Down.....	Hampshire Down Flock Book.	Hampshire Down Sheep Breeders' Association, Captain F. E. Tinsley, secretary, 38 Endless St., Salisbury, England.	Do.....	Greyhound Stud Book....	National Coursing Club, Sydney H. Dalton, secretary, 11 Haymarket, London, S. W. 1, England.
Kent or Romney Marsh.	Kent or Romney Marsh Flock Book.	Kent or Romney Marsh Sheep Breeders' Association, G. W. Tuffrey, secretary, Victoria House, Southampton Row, London, W. C. 1, England.			
Kerry Hill.....	Kerry Hill Flock Book....	Kerry Hill (Wales) Flock Book Society, Morris, Marshall & Poole, secretaries, Newtown, Montgomeryshire, England.			



Name of breed	Book of record	By whom published	Name of breed	Book of record	By whom published
Dogs—Continued			Dogs—Continued		
Greyhound.....	Irish Greyhound Stud Book.	Irish Coursing Club, T. A. Morris, & A. J. Morris, secretaries, Davis Rd., Clonmel, Ireland.	Various recognized breeds.	Newfoundland Live Stock Register.	Department of Natural Resources, Kenneth J. Carter, secretary, St. John's, Newfoundland.
Harrier and Beagle.....	Harrier and Beagle Stud Book.	Association of Masters of Harriers and Beagles, J. Pawls, secretary, Little Havers, Bishop's Stortford, England.	Do.....	Norsk Kennelklubb's Stam-bok.	Norsk Kennel Klub, E. F. Ojsete Jr., secretary, Skipper-gaten 22, Oslo, Norway.
Rottweiler.....	Reichs-Zuchtbuch (Abteilung: Rottweiler).	Allgemeiner Deutscher Rottweiler-Klub, E. J. Joseph Zeller, secretary, Rotenwaldstrasse 83a, Stuttgart-W., Germany.	Do.....	Registro General de la Canina.	Kennel Club de Chile, J. H. Colman, secretary, Calle Val-paraiso, 607-609, Vina del Mar, Chile.
St. Bernard.....	Bernhardiner-Zuchtbuch.	St. Bernhards-Klub, Hans Glockner, secretary, Delsenhofen bei München, Germany.	Do.....	Reichs-Zuchtbuch Abteilung: Fachschaft für Terrier e. V.	Klub für Terrier, Heinrich Kaeuffer, secretary, (16) Kelterschbach bei Frankfurt am Main, Germany.
Schnauzers and Pinschers.	Reichs-Zuchtbuch (Abteilung: Schnauzer und Pinscher).	Pinscher-Schnauzer-Klub E. V. Josef Best, secretary, Bahnhofstrasse 42, Wehrheim/Taunus, Germany.	Do.....	Schweizerisches Hundestammbuch.	Schweizerische Kynologische Gesellschaft, Carl Wittwer, secretary, Künzstr. 185, Wald-zgen, Liebfeld bei Bern, Switzerland.
Various recognized breeds.	Irish Kennel Club Stud-book.	Irish Kennel Club, Richard G. Quirk, secretary, 23 Eden Quay, Dublin C. 8, Ireland.	Do.....	Svenska Kennelklubbens Stam-bok.	Svenska Kennelklubben, Ivan Swedrup, secretary, Linnegatan 23, Stockholm, Sweden.
Do.....	Kennel Club Studbook.	English Kennel Club, E. Holland Buckley, secretary, 84 Piccadilly, London, W. 1, England.	CATS		
Do.....	Livre des Origines de la Société Royale Saint-Hubert.	Société Royale Saint-Hubert, Maurice Puisseant & Reoul, Willocq, secretaries, 391 Chaus-sée St., Pierre, Brussels 4, Belgium.	Long-haired and short-haired.	Register of the Governing Council of the Cat Fan-cy.	The Governing Council of the Cat Fancy, F. H. Thompson, secretary, 120 Wickham Way Beckenham, Kent, England.
Do.....	Livres des Origines Français.	Société Centrale Canine pour l'Amélioration des Races de Chiens en France, A. Bordenau, Director General, 3 Rue de Châteaul, Paris, France.			

(b) *Breeds and books of record in Canada*—(1) *Animals generally*. The books of record of the Canadian National Live Stock Records, Ottawa, Canada, of which R. G. T. Hitchman is Director, are recognized for the following breeds: *Provided*, That no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the Bureau to be

of the same breed: *Provided further*, That no Karakul sheep, or horse of the American Saddle, Canadian, or Arabian breeds in Canada shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

Done at Washington, D. C. this 10th day of January 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 49-306; Filed, Jan. 12, 1949; 8:51 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

#### Subchapter I—Yield Insurance

#### PART 291—YIELD INSURANCE—RIGHTS AND OBLIGATIONS OF INVESTOR UNDER INSURANCE CONTRACT

##### DEBENTURES

Section 291.8 (a) is hereby amended by striking out of the first sentence the words "as of the close of any operating year in which such notice is given" and inserting in lieu thereof "as of the first day of the operating year after such notice is given".

Section 291.8 (b) is hereby amended by striking out of the first sentence the words "as of the close of any operating year in which such notice is given" and inserting in lieu thereof "as of the first day of the operating year after such notice is given".

(Sec. 401, Pub. Law 901, 80th Cong.)

Issued at Washington, D. C., January 10, 1949.

[SEAL] FRANKLIN D. RICHARDS,  
Federal Housing Commissioner.

[F. R. Doc. 49-293; Filed, Jan. 12, 1949; 8:48 a. m.]

Cattle	Sheep	Horses	Hogs	Goats
Aberdeen-Angus. Ayrshire. Brown Swiss. Canadian. Galloway. Guernsey. Hereford. Highland. Jersey. Red Poll. Shorthorn. Shorthorn (Lincoln-Shire Red).	Blackface. Cheviot. Corriedale. Cotswold. Dorset Horn. Hampshire. Karakul. Kerry Hill. Leicester. Lincoln. Merino. Oxford Down. Rambouillet. Ryeland. Shropshire. Southdown. Suffolk.	American Saddle Horse. Arabian. Belgian Draft. Canadian. Clydesdale. Hackney. Percheron. Shetland Pony. Shire. Standardbred. Suffolk. Thoroughbred. Welsh Pony and Cob.	Berkshire. Chester White. Duro-Jersey. Hampshire. Large Black. Poland China. Tamworth. Yorkshire.	Angora. Nubian. Saanen. Toggenburg.

(2) *Holstein-Friesian cattle in Canada*. The Holstein-Friesian Association of Canada, Brantford, Ontario, Canada, of which G. M. Clemons is secretary and editor, is recognized for the Holstein-Friesian breed registered in the Holstein-Friesian Herd Book of that Association.

(3) *Dogs in Canada*. The Stud Book of the Canadian Kennel Club, Incorporated (Canadian National Live Stock Records) is recognized for all the breeds of dogs registered therein: *Provided*, That no dog so registered shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian Kennel Club Incorporated, is submitted for such dog.

§ 151.11 *Recognition of additional breeds and books of record*. Before a breed or a book of record shall be added to those listed in this part, the custodian of the book of record involved shall submit to the Bureau a complete set of the published volumes of that book up to date of application, together with a copy of all rules and forms in force on said date affecting the registration of animals in said book.

#### GENERAL

§ 151.12 *Effective date and notice of superseding*. The foregoing regulations shall become effective 30 days after their publication in the FEDERAL REGISTER, and on said date shall supersede the regulations in 9 CFR Part 151, as theretofore amended.

## TITLE 34—NATIONAL MILITARY ESTABLISHMENT

### Chapter V—Department of the Army

#### Subchapter D—Military Reservations and National Cemeteries

#### PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

##### USE OF DEPARTMENT OF THE ARMY REAL ESTATE

Sections 552.5 to 552.16 are revoked, and the following §§ 552.5 to 552.16 are substituted therefor:

Sec.	Purpose and scope.
552.5	Purpose and scope.
552.6	Responsibility.
552.7	Policy.
552.8	Definitions.
552.9	Nature of use grants.
552.10	Authority for granting easements and lesser interests by license.
552.11	Leases authorized by act of August 5, 1947.
552.12	Licenses granted under administrative power or under express statutory authority.
552.13	Permits to other Government agencies.
552.14	Applications.
552.15	Preparations and execution of instruments.
552.15a	Uses which may be authorized locally.
552.15b	Rights granted by other departments.
552.15c	Rights of entry.
552.15d	Unauthorized use.
552.15e	Payments.
552.15f	Inspections.
552.16	Grants requiring enabling legislation.

AUTHORITY: §§ 552.5 to 552.16 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: AR 100-62, December 10, 1948.

§ 552.5 *Purpose and scope.* The purpose of §§ 552.5 to 552.16, is to set forth the authority, policies, procedures, and responsibilities for the granting of use of real estate under the control of the Department of the Army and utilized as command installations, within the continental United States, its territories and possessions, and elsewhere, except within occupation zones.

§ 552.6 *Responsibility.* The Chief of Engineers, under authority of the Secretary of the Army, is charged with the issuance of licenses in connection with Government reservations. (See act December 1, 1941 (55 Stat. 787; 10 U. S. C. 181(b).) Except as provided in §§ 552.15 and 552.15a the Chief of Engineers is charged with sole responsibility for arranging for the use of real estate within the scope of the regulations in this part by lease, license, easement, permit, or otherwise. This responsibility extends to and includes the granting of temporary use of Department of the Army real estate declared surplus to the War Assets Administration prior to July 1, 1948, to the extent authorized by regulations issued pursuant to the Surplus Property Act of 1944 (58 Stat. 765), as amended.

§ 552.7 *Policy.*—(a) *Competition.* The use of real estate under the control of the Department of the Army for private purposes will be granted only after reasonable efforts have been made to obtain competition for its use. The purpose of

seeking competition, normally through advertising, is to afford all qualified persons equal opportunity to bid for the use of the property, to secure for the Government the benefits which flow from competition, and to prevent criticism that favoritism has been shown by officers or employees of the Government in making public property available for private use. The leasing of lands for agricultural purposes by negotiation with former owners (i. e., the Government's grantor) without competition or lessees of former owners who were occupying the property at the time of its acquisition by the Government, and the granting of easements, licenses, and permits to other Government agencies, are recognized exceptions to this policy.

(b) *Consideration.*—(1) *Leases granted under act August 5, 1947.* Except as hereinafter provided, leases will reserve adequate monetary consideration. Notwithstanding section 321 of the act of June 30, 1932 (47 Stat. 412; 40 U. S. C. 303b), or any other provision of law, instruments may provide for the maintenance, protection, repair, or restoration of the property leased or of the entire unit or installation where a substantial part thereof is leased as a part or all of the consideration for the lease of such property; *Provided, however,* That if the savings to the Government resulting from the lessee performing such services and/or functions is not equal to a sum determined to be adequate, a money consideration will be reserved in the instrument equal to the difference. No direct or indirect benefit to the Government, other than the performance by the lessee of the service and/or functions aforementioned, can be used as justification for a reduction in the monetary consideration to be reserved in the instrument. In those cases where the burden of maintenance, protection, repair, or restoration will be placed upon the lessee, the using service will furnish, through the army commander, a statement to the division engineer indicating the savings to the Government resulting therefrom, for the use in determining the adequacy of the consideration.

(2) *Easements and licenses granted under easement authorities.* Although no provision in the statutes authorizing such grants requires compensation for privileges granted in accordance therewith, all such grants will reserve an adequate consideration not less than that charged by private interests in the vicinity, except grants to States, counties, municipalities, or political subdivisions thereof, which are for a public purpose.

(3) *Licenses granted under administrative power.* Since the administrative power may be relied upon for the grant of a license only when such grant is of a direct benefit to the Government, such grants may be made without consideration.

(4) *Permits to other Government agencies.* No consideration will be reserved in instruments authorizing other Federal Government agencies to use Government-owned property under the control of the Army. The permittee will be required to reimburse the Army for utilities and services furnished by the Army and, if the property is leased by the

Army, the permittee will be required to reimburse the Army for its proportionate share of the rental paid by the Army.

(c) *Commercial advertising on reservations.* The Department of the Army will not authorize the posting of notices or erection of billboards or signs for commercial purposes on property under its control.

(d) *Grants which may embarrass the Department of the Army.* Unless specifically authorized by law, the Department of the Army will not authorize the use of property under its control by revocable license or lease for any purpose where the use contemplates permanent occupancy and revocation of the lease or license might prove embarrassing to the Department of the Army.

§ 552.8 *Definitions.* As used in this part terms shall have the meanings indicated:

(a) *Advertising.* Any method of public announcement intended to aid directly or indirectly in obtaining offers on a competitive basis. Advertising may be accomplished by circulation of notices among former owners, owners of adjacent property and others known to be interested, the posting of notices in public places, and the publication of notices in newspapers and trade journals.

(b) *Using service.* The term will include:

- (1) All major commands.
- (2) All administrative and mechanical services.
- (3) Any other Department of the Army agency directly responsible for and charged with command jurisdiction over an installation.

§ 552.9 *Nature of use grants.* The essential characteristics of use grants within the scope of the regulations in this part are as follows:

(a) *Licenses under administrative power.* A license is a bare authority to do a specified act or series of acts upon the land of the licensor without possessing or acquiring any estate therein. The principal effect of a license is to authorize an act which, in the absence of the license would constitute a trespass. Licenses will be granted under the administrative power only when the grant is of direct benefit to the United States or to the installation and normally will be limited in duration for a period reasonably necessary to accomplish the purposes for which the grant is being made, but in no event will the period exceed 5 years. However, licenses may be renewed and applications for renewal will be made and processed in the same manner as is provided in § 552.14 for original applications. The instrument will provide for written notice of relinquishment by the licensee. A license is personal in nature, and the licensee has no authority or right to assign or sublet the property or to use it for any purpose not expressed in the license.

(b) *License granted under easement authority.* A license granted under the easement authorities set forth in § 552.10 constitutes a permissive use of property of a lesser interest than that which the statute authorizes for that purpose.



(c) *Easement.* An easement is a conveyance of an interest in real estate for the purpose or purposes specified in the grant. Easements may be granted for either a term of years or in perpetuity, according to the statutory authorization. Such permits will, however, be limited in duration not greater than is reasonably justified and necessary for the purpose of the grant. Easements for a term of years which is expiring may be renewed in the same manner as provided in § 552.14 for original applications.

(d) *Lease.* A lease is a conveyance of an interest in real estate for a term of years, revocable at will, or as otherwise provided in the instrument, in consideration of a return of rent. Leases may be renewed upon expiration but will normally be renewed only after seeking competition in accordance with the policy set forth in § 552.7. In conformity with statutory authority concerning the granting of the use of real estate within the scope of these regulations by lease, each lease will contain a provision permitting the Secretary of the Army to revoke the lease at any time, unless the Secretary of the Army shall determine that the omission of such provision from the instrument will promote the national defense or will be in the public interest. In any event, each lease will be revocable by the Secretary of the Army during a national emergency declared by the President. The lessee may relinquish real estate held by him under lease in accordance with the expressed terms of the lease.

§ 552.10 *Authority for granting easements and lesser interests by license.* Authority for the granting of easements and lesser interests by license is set forth as follows:

(a) *Poles and wires.* The act of March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961) authorizes the Secretary of the Army to grant easements for rights-of-way for periods not exceeding 50 years, for poles and lines for the transmission and distribution of electrical power and telephone and telegraph purposes, over lands under his control, upon a finding that the grant will not be incompatible with the public interest.

(b) *Pipe lines.* The act of May 17, 1926 (44 Stat. 562; 10 U. S. C. 1351) authorizes the Secretary of the Army to grant easements for rights-of-way for gas, water, and sewer pipe lines across lands under his control, provided that such grants will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby.

(c) *Act of July 24, 1946.* The act of July 24, 1946 (60 Stat. 643; 43 U. S. C. 931b) authorizes the Secretary of the Army to grant easements for rights-of-way across acquired lands under his control, and public lands permanently withdrawn or reserved for the use of the Army, upon a finding that the grant will not be incompatible within the public interest, for the following purposes:

- (1) Railroad tracks.
- (2) Oil pipe lines.
- (3) Substations for electric power transmission lines, telephone lines, and

telegraph lines, and pumping stations for gas, water, sewer, and oil pipe lines.

- (4) Canals.
- (5) Ditches.
- (6) Flumes.
- (7) Tunnels.
- (8) Dams and reservoirs in connection with fish and wildlife programs, fish hatcheries, and other fish-cultural improvements.

(9) Roads and streets.

(d) *Ferries, bridges, livestock.* The act of July 5, 1884 (23 Stat. 104; 10 U. S. C. 1348) authorizes the Secretary of the Army to allow the landing of ferries and erection of bridges on, and the driving of livestock across, military reservations.

§ 552.11 *Leases authorized by act of August 5, 1947.* The Secretary of the Army is authorized, whenever he shall deem it to be advantageous to the Government, to lease such real or personal property under his control as is not for the time required for public use, to such lessee or lessees and upon such terms and conditions as in his judgment will promote the national defense, or will be in the public interest. Each such lease will be for a period not exceeding 5 years, unless the Secretary of the Army shall determine that a longer period will promote the national defense or will be in the public interest. Each such lease will contain a provision permitting the Secretary of the Army to revoke the lease at any time, unless the Secretary of the Army shall determine that the omission of such provision from the lease will promote the national defense or will be in the public interest. In any event, each such lease will be revocable by the Secretary of the Army during a national emergency declared by the President. Notwithstanding section 321, act of June 30, 1932 (47 Stat. 412; 40 U. S. C. 303b), or any other provision of law, any such lease may provide for the maintenance, protection, repair, or restoration by the lessee, of the property leased or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property. In the event utilities or services are furnished by the Department of the Army to the lessee in connection with any lease, payments for utilities or services so furnished may be covered into the Treasury to the credit of the appropriation or appropriations from which the cost of furnishing any such utilities or services to the lessee were paid. Except as otherwise hereinabove provided any money rentals received by the Government directly under any such lease will be deposited and covered into the Treasury as miscellaneous receipts. The authority granted does not apply to oil, mineral, or phosphate lands. The act of July 28, 1892, as amended (27 Stat. 321; 45 Stat. 988; 40 U. S. C. 303), is repealed. The lessee's interest will be made subject to State or local taxation. Any such lease of property will contain a provision that if and to the extent that such property is made taxable by State and local government by act of Congress, in such event the terms of such lease will be renegotiated. (See act August 5, 1947 (61 Stat. 774).)

§ 552.12 *Licenses granted under administrative power or under express statutory authority—*(a) *Grants under administrative power.* The Secretary of the Army may, by revocable license terminable at his discretion as the public interest may require, permit the use of real estate belonging to the United States which is under his control, provided the property is not for the time required for public use, the license conveys no interest therein, and the proposed use will be of direct benefit to the United States. See 35 Op. Atty. Gen. 485, 489, and 22 Comp. Gen. 563.

(b) *Express statutory authority—*(1) *Archaeological excavations.* The act of June 8, 1906 (34 Stat. 255; 16 U. S. C. 432) authorizes the Secretary of the Army to grant permits for the examinations of ruins, the excavation of archaeological sites and the gathering of objects antiquity upon Army lands to institutions which are deemed properly qualified to conduct such examination, excavation, or gathering, and gatherings must be undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects and the gatherings shall be made for permanent preservation in public museums.

(2) *American National Red Cross.* The act of June 3, 1916 as amended by the act of June 4, 1920 (41 Stat. 785; 10 U. S. C. 1347) authorizes the Secretary of the Army to grant revocable licenses permitting the erection and maintenance on military reservations by the American National Red Cross of buildings suitable for the storage of supplies for the aid of the civilian population in case of serious national disaster, or the occupation for that purpose of buildings erected by the United States.

(3) *Young Men's Christian Association.* The act of May 31, 1902 (32 Stat. 282; 10 U. S. C. 1346) authorizes the Secretary of the Army to grant revocable license permitting the erection and maintenance on military reservations by the Young Men's Christian Association of such buildings as their work for the protection of the social, physical, intellectual, and moral welfare of the garrisons may require.

(4) *Post Office.* The Secretary of the Army shall assign proper and suitable room or rooms for post office purposes at all military posts where post offices have been established. See sec. 1, act August 1, 1914 (38 Stat. 629; 10 U. S. C. 1345).

(5) *National Guard purposes.* Pursuant to authority contained in the National Defense Act, June 3, 1916 (39 Stat. 166; 32 U. S. C. 1 et seq.), as amended the Secretary of the Army is authorized to grant revocable licenses to the States and territories for the use and occupancy of installations or portions thereof by the National Guard. Such licenses do not authorize the States to assign or sublet the property, or to use the property for any purpose other than National Guard purposes. A license may not be granted for the erection of a permanent National Guard armory without specific congressional authority.

§ 552.13 *Permits to other Government agencies.* The Secretary of the Army may, under his administrative powers, authorize other Federal Government agencies to use property under his control. If a statute authorizes the Secretary of the Army to transfer property to a Federal agency, he may permit the use of such property by the agency as a lesser interest than that authorized by the statute on a revocable or irrevocable basis.

§ 552.14 *Applications.* Form: Applications for use of real estate will ordinarily consist of a narrative written request and no particular form is required.

§ 552.15 *Preparation and execution of instruments.* Instruments for granting temporary use of real estate in accordance with authorities set forth in the preceding paragraphs will be prepared in accordance with procedures prescribed by the Chief of Engineers. To the extent authorized by the Secretary of the Army, the Chief of Engineers or his representative will approve, execute, and distribute such instruments; otherwise, they will be prepared and submitted through the Judge Advocate General for execution by direction of the Assistant Secretary of the Army.

§ 552.15a *Uses which may be authorized locally.* The following uses may be authorized by the division engineers, Corps of Engineers, Army commanders, the Commanding General, Military District of Washington, and installation commanders or their contracting officers, as provided herein, without reference to higher authority:

(a) *Transportation licenses.* Division engineers, Corps of Engineers, are authorized, upon the recommendation of installation commanders and with the written approval of Army commanders, the Commanding General, Military District of Washington, or heads of administrative or technical services, to grant licenses for bus and taxicab service on installations. The following policies will be observed in granting such licenses.

(1) One or more revocable licenses for such operations may be granted, based upon the free competitive proposals of all reputable available companies or individuals.

(2) ENG Form 1364 Transportation License (Military Reservation) will be used without deviation.

(3) Only duly licensed agencies will be permitted to operate in or upon installations.

(4) No distinction will be drawn between taxicab and bus transportation.

(5) No taxicab or bus company will be operated as a concessionaire of any Army exchange.

(b) *Uses authorized by Army commander or the Commanding General, Military District of Washington.* Army commanders or the Commanding General, Military District of Washington, may lend certain property of the Army to national veteran organizations for use at State and national conventions in accordance with current Department of the Army instructions.

(c) *Uses authorized by installation commander—(1) Temporary structures.*

Installation commanders are authorized to permit the erection of temporary structures for use incident to a contract for construction and related work, including stevedoring, for the period of the contract and with provision for removal and restoration of the premises upon expiration of the contract; provided that, in the interest of the United States, any structure suitable for military use may, in lieu of removal, be relinquished to the United States. Buildings and structures erected on military installations with proper authority and with post exchange funds or other nonappropriated funds and solely at the expense of the unit or activity concerned remain their property and may be sold by such unit or activity when no longer needed, upon written authorization by the installation commander. If, however, such buildings or structures are erected wholly or in part with the use of the labor of troops and Government materials, tools and facilities, title to the buildings or structures vests in the United States.

(2) *Red Cross activities.* Installation commanders will furnish quarters for the housing of Red Cross activities and personnel when assigned to duty with the armed forces.

(3) *Licenses of a minor character.* Installation commanders may grant orally, or in writing, licenses of a minor character, which in the absence of permission would amount to a trespass, incident to post administration; as, for example, permits to merchants to enter the reservation to make deliveries. This authority does not include the granting of any interest in real estate included in preceding paragraphs of the regulations in this part.

(4) *Utilities.* Contracting officers, with the approval of installation commanders, are authorized to permit the extension of public utilities upon installations as a part of the contract for furnishing to the Government, electricity, water, and gas, where such extension is necessary solely to serve the installation and not in part to serve private consumers outside the installation. The location for such extensions will be coordinated with the army commander in order to conform with present and future post lay-outs. The above authorization is covered by the provisions of the contract for purchase of utilities services contained in War Department Contract Form 27, or in War Department Contract Form 15, where a connection charge is involved.

(1) Contracts or agreements for the sale of surplus utility services as authorized by law or regulations shall include similar authority for the contractor to install and maintain such facilities on the reservation as are necessary in connection with the sale of such utilities.

§ 552.15b *Rights granted by other departments.* The rights more particularly described in the statutory authorities set forth below may be granted by the heads of the departments or agencies indicated:

(a) *Secretary of the Interior.* (1) The act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959), as amended, authorizes the Secretary of the Interior, subject to the approval of the Secretary

of the Army, to grant rights-of-way through military reservations for:

(i) Electrical plants, poles, and lines for the generation and distribution of electrical power, other than that generated by water power, and for telephone and telegraph purposes in connection therewith.

(ii) Canals, ditches, pipes, and pipe lines, flumes, tunnels or other water conduits, for purposes other than the production of water power.

(iii) Water plants, dams, and reservoirs used to promote irrigation, mining or quarrying; for the manufacturing or cutting of timber or lumber; or for the supplying of water for domestic, public, or other beneficial uses.

(2) The act of March 3, 1891 (26 Stat. 1101) as amended by the acts of March 4, 1917 (39 Stat. 1197) and May 28, 1926 (44 Stat. 668; 43 U. S. C. 946) authorizes the Secretary of the Interior, subject to the approval of the Secretary of the Army, to grant rights-of-way for irrigation or drainage to canal ditch companies, or duly organized irrigation or drainage districts, and the right to take material, earth, and stone necessary for the construction of a canal or ditch, for which a right-of-way has been granted, from public lands adjacent to the line of such canal or ditch.

(b) *Secretary of Agriculture.* The act of June 7, 1924 (43 Stat. 655; U. S. C. 471) authorizes the Secretary of Agriculture to administer, under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary of the Army, certain lands established by the President as national forests or parts thereof on military reservations and the sale of products therefrom, subject to the unhampered use by the Army for purposes of national defense and without affecting or restricting the authority over such lands for such purposes now vested in the Secretary of the Army.

(c) *Federal Works Agency.* The act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18) provides that use of portions of reservations may be authorized for rights-of-way or sources of material for constructing and maintaining Federal-aid roads projects, if determined reasonably necessary by the Secretary of Agriculture (now in Public Roads Administration, Federal Works Agency), and if not objected to by the Secretary of the Army.

(d) *Federal Power Commission.* The acts of June 10, 1920 (41 Stat. 1063) and August 26, 1935 (49 Stat. 840; 16 U. S. C. 797) authorize the Federal Power Commission, subject to the approval of the Secretary of the Army, to grant licenses for water power projects upon, or partly upon, a military reservation, including dams, reservoirs, conduits, transmission lines, and other project works.

§ 552.15c *Rights of entry.* No right of entry, pending the execution of a formal instrument, will be granted without first obtaining authorization from the office wherein the instrument will be executed, unless instructions to the contrary are received from the Office of the Assistant Secretary of the Army or the General Staff, United States Army.

When authorized, rights of entry will be granted by division or district engineers, Corps of Engineers.

§ 552.15d *Unauthorized use.* Whenever it is observed that property under the control of the Army is being used and/or occupied by private parties without proper authority in accordance with the regulations in this part, corrective action should be taken to cause such unauthorized use to be discontinued or to formalize such use and occupancy in accordance with the regulations in this part. In either event, compensation should be obtained for the unauthorized use of such property.

§ 552.15e *Payments.* Payments made by private interests for privileges granted by leases, licenses, easements, or permits, will be collected by the Chief of Engineers or his representative. The initial payment, which will be made at the time the instrument is signed by the grantee, and all deferred payments, will be collected by the representative of the Chief of Engineers and will be promptly turned over to the nearest Army Disbursing officer with appropriate instructions as to the disposition of such funds, i. e., for credit to "miscellaneous receipts" or to be held as special deposits. All payments made by the grantee will be made payable to the Treasurer of the United States.

§ 552.15f *Inspections.* At least once each year, the Chief of Engineers or his representatives will inspect real estate under the control of the Department of the Army occupied under lease, license, easement, or permit, to determine that the grantees or occupants are complying with the terms of the instrument. Corrective action will be taken by the Chief of Engineers or his representatives, when necessary, to obtain compliance with the terms of the instrument.

§ 552.16 *Grants requiring enabling legislation.* Enactment of enabling legislation is required to authorize the Secretary of the Army to grant an interest in real estate under his control for the following purposes:

- (a) Mining.
- (b) Quarrying of rock, sand, or gravel, or sale thereof.
- (c) Sinking of oil wells, or sale of oil or other minerals, except as may be authorized within the scope of 40 Op. Atty. Gen. 7, April 2, 1941.

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 49-290; Filed, Jan. 12, 1949;  
8:54 a. m.]

#### Subchapter F—Personnel

#### PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

##### ARMY LAPEL BUTTON

Paragraph (d) of § 578.54 is redesignated paragraph (e) and a new paragraph (d) is added as follows:

§ 578.54 *Lapel buttons.* \* \* \*

(d) *Army lapel button.*—(1) *Description.* The minute man in gold-color

metal on a red enamel disk surrounded by 16 pointed gold rays, outside diameter  $\frac{3}{16}$  inch.

(2) *Requirements.* Honorable active service for at least 1 year subsequent to December 31, 1946.

(e) *Wearing.* Lapel buttons may be worn on civilian clothes only.

[C1, AR 600-65] (34 Stat. 621, 40 Stat. 873, 45 Stat. 500, 47 Stat. 158, 871, 59 Stat. 461; 10 U. S. C. 1413, 1413a, 1415a, 1415b, 1416, 1430c; E. O. 8808, June 28, 1941, E. O. 8809, June 28, 1941, as amended by E. O. 9323, Mar. 31, 1943, 3 CFR)

[SEAL] EDWARD F. WITSELL,  
The Adjutant General.

[F. R. Doc. 49-291; Filed, Jan. 12, 1949;  
8:48 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket Nos. 8977, 9022]

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

##### PART 3—RADIO BROADCAST SERVICES

##### PART 6—FIXED PUBLIC RADIO SERVICES

##### PART 7—COASTAL AND MARINE RELAY SERVICES

##### PART 8—SHIP SERVICE

#### PART 13—COMMERCIAL RADIO OPERATORS CORRECTIONS

The following corrections are made in F. R. Doc. 48-10940, appearing in the Tuesday, December 21, 1948, issue of the FEDERAL REGISTER:

1. At page 8131, column 1, line 12: "June 12, 1948" should read "July 12, 1948."

2. At page 8131, Table I (appearing in columns 2 and 3 of this page) should read:

TABLE I

[Table showing sections in former Part 2 corresponding to sections in present Parts 2, 3, 6, 7, 8 and 13]

Old Part 2	Part 2	Part 3	Part 6	Part 7	Part 8	Part 13
2.1				7.14 (a)		
2.2				7.14 (b)	8.37	
2.3				7.14 (c)		
2.4			61.3			
2.5	2.102					
2.6	2.1					
2.7						
2.8						
2.9						
2.10	2.1					
2.11	2.1					
2.12	2.1					
2.13	2.1					
2.14						
2.15						
2.16						
2.17	2.1					
2.18		3.15 (c)				
2.19		3.15 (d)		7.15	8.33	
2.20		3.15 (e)		7.16	8.49	
2.21		3.15 (f)				
2.22		3.15 (g)				
2.23		3.15 (h)		7.17	8.22	
2.24	2.1					
2.25		3.15 (i)				
2.26		3.15 (j)				
2.27		3.15 (k)		7.18	8.23	
2.28		3.15 (l)		7.19	8.33	
2.29						
2.30		3.15 (m)				
2.31		3.15 (n)				
2.32		3.15 (o)				

TABLE I—Continued

[Table showing sections in former Part 2 corresponding to sections in present Parts 2, 3, 6, 7, 8 and 13]

Old Part 2	Part 2	Part 3	Part 6	Part 7	Part 8	Part 13
2.33		3.15 (p)				
2.34		3.15 (q)				
2.35				7.20	8.43	
2.41		3.163	6.31	7.45 (a)		
2.42		3.167	6.32	7.45 (b)		
2.43		3.183	6.32	7.45 (c)		
2.44		3.169	6.32	7.45 (d)		
2.45		3.21 (b)	6.29	7.41		
2.46		3.31 (c)	6.42	7.47	8.74	
2.47			6.43	7.43	8.76	
2.48		3.170	6.44	7.49		
2.49	2.301					
	2.302					
	2.303					
2.50						
2.51			6.45			13.6
2.52			6.45	7.50	8.33	13.7
2.53			6.47	7.84	8.224	
2.54		3.182				
		3.182				
		3.232				
		3.632				
		3.782				
2.59	2.491					
2.60	2.492					
2.61	2.493					
2.62	2.494					
2.63	2.495					
2.64						
2.65						
2.66		3.271	6.43	7.89		
		3.271				
		3.670				
		3.769				
2.71	2.103					
2.72	2.301					
2.73	2.301					
2.74	2.302					
2.75						
2.76	2.1					
2.77	2.301 (f)			7.63	8.89	
2.78						
2.79				7.32	8.71 (a)	
2.80				7.32	8.71 (b)	
2.81			6.49	7.85		
2.82			6.39	7.87		
2.91	2.495					
2.92	2.496					
2.93					8.57	

3. At page 8132, column 3 (§ 2.1, Definitions), the definition of distance measuring equipment should be corrected to read:

*Distance measuring equipment.* A radionavigation aid in the aeronautical radionavigation service that determines the distance of an interrogator from a transponder by measuring the time of transmission to and from the transponder.

4. At page 8134, column 3 (§ 2.101, Station symbols), indentation of the following portion of the tabulation should be corrected to appear as follows:

Symbol: Class of station  
MO----- Mobile station.  
MOA----- Developmental mobile station.  
MOE----- Telemetering mobile station.  
MOT----- Television pickup station.  
MOU----- Aeronautical utility mobile station.  
MOZ----- Mobile (except television pickup) station.

5. At page 8146, column 1, line 11: "column 1" should read "column 11".

6. At page 8146, columns 2 and 3 (§ 2.201 (e)), the heading of the tabulation should be corrected to read:

Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol
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7. At page 8146, in the tabulation appearing in columns 2 and 3 (§ 2.201 (e)), in the column of the tabulation entitled

## RULES AND REGULATIONS

"Type of transmission" opposite "3. Pulsed emissions", the third and fourth entry should appear as one entry, as follows:

Telegraphy by the keying of a modulating audio frequency or audio frequencies, or by the keying of the modulated pulse (special case: an unkeyed modulated pulse).

8. At page 8146, § 2.202, Bandwidths, paragraph (a), the equation "B=Telegraph speed in bands." should be corrected to read: "B=Telegraph speed in bauds."

9. At pages 8147 and 8148, the table of allocation of call signs, appearing under § 2.302, should read as follows:

Col. 1 Class of station	Col. 2 Composition of call sign	Col. 3 Call sign blocks available
Coast <sup>1</sup> .....	3 letters.....	KAA thru KZZ. WAA thru WZZ.
Aeronautical <sup>2</sup> .....	3 letters, 1 digit.....	KAA2 thru KZZ9. WAA2 thru WZZ9.
Fixed, <sup>3</sup> coastal telephone in Alaska <sup>4</sup> .....	3 letters, 2 digits.....	KAA20 thru KZZ99. WAA20 thru WZZ99.
Land (other than aeronautical and coast) <sup>5</sup> .....	3 letters, 3 digits.....	KAA200 thru KZZ999. WAA200 thru WZZ999.
Mobile telegraph (other than ship and aircraft).....	4 letters, 1 digit.....	KAAA2 thru KZZZ9. WAAA2 thru WZZZ9.
Mobile telephone (other than ship and aircraft).....	2 letters, 4 digits.....	KA2000 thru KZ9999.
Ship telegraph.....	4 letters.....	KAAA thru KZZZ. WAAA thru WZZZ.
Ship telephone <sup>6</sup> .....	2 letters, 4 digits.....	WA2000 thru WZ9999.
Ship telegraph and telephone.....	Same as for ship telegraph.....	
Ship radar <sup>7</sup> .....	Same as for ship telegraph.....	
Ship radar and telegraph.....	Same as for ship telegraph.....	
Ship radar and telephone.....	Same as for ship telegraph.....	
Aircraft telegraph.....	5 letters.....	KAAAA thru KYZZZ. WAAAA thru WZZZZ.
Aircraft telephone.....	Registration Number.....	
Aircraft telegraph and telephone.....	Same as for Aircraft telegraph.....	
Lifeboats, life rafts and other survival craft.....	Call sign of parent ship or Aircraft plus 2 digits from 20 to 99 inclusive. The parent call sign must in such cases be a 5 letter call, if aircraft, or a 4 letter call, if a ship. See Parts 8 and 9 of the rules.	
Broadcasting (standard).....		KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM).....	4 letters.....	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM) (where the last 2 letters are FM). Do.....	5 letters <sup>8</sup> ..... 6 letters.....	KAA-FM thru KZZ-FM. WAA-FM thru WZZ-FM. KAA-FM thru KZZ-FM. WAA-FM thru WZZ-FM.
Broadcasting (television).....	4 letters.....	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (television) (where the last 2 letters are TV). Do.....	5 letters <sup>8</sup> ..... 6 letters.....	KAA-TV thru KZZ-TV. WAA-TV thru WZZ-TV. KAAA-TV thru KZZZ-TV. WAAA-TV thru WZZZ-TV.
Experimental (where the letter "X" follows the digit). Amateur (letter X may not follow digit).....	(2 letters, 1 digit, 3 letters)..... (1 letter, 1 digit, 2 letters).....	KA2XAA thru KZ9XZZ. WA2XAA thru WZ9XZZ. K1AA thru K9ZZ. W1AA thru W9ZZ.
Do.....	(1 letter, 1 digit, 3 letters).....	K1AAA thru K9ZZZ. W1AAA thru W9ZZZ.
Do.....	(2 letters, 1 digit, 2 letters).....	KA1AA thru K9ZZZ. WA1AA thru W9ZZZ.
Do.....	(2 letters, 1 digit, 3 letters).....	KA1AAA thru KZ9ZZZ. WA1AAA thru WZ9ZZZ.
Standard frequency.....		WWV.

<sup>1</sup> Except for coastal telephone stations in the Territory of Alaska.

<sup>2</sup> Assignment shall be made according to the call sign district in which the station is located.

<sup>3</sup> See Part 8 of Commission's rules for assignment of call signs to ships documented by the Customs Bureau of the Treasury Department and provided with distinguishing signals for visual and aural signaling.

<sup>4</sup> Any three letter call sign now authorized for use by a licensee of a standard broadcast station may continue to be available to such licensee for use by the station to which it now is authorized.

<sup>5</sup> Available only to licensees of Standard broadcast stations already assigned a three-letter call sign.

10. At page 8148 (§ 2.303, Table of geographic assignment of call signs) footnote 1 which is now affixed to the end of the first sentence of this section, should be corrected to follow the column heading in the tabulation set forth in this section entitled "Call sequence".

11. At page 8148, § 2.401, Distress messages, should be corrected to read:

§ 2.401 *Distress messages.* Each station licensee shall give absolute priority to radiocommunications or signals relating to ships or aircraft in distress; shall cease all sending on frequencies which will interfere with hearing a radiocommunication or signal of distress and except when engaged in answering or aiding the ship or aircraft in distress, shall refrain from sending any radiocommunications or signals until there is assurance that no interference will be caused with the radiocommunications or signals relating thereto; and shall assist the ship or aircraft in distress, so far as possible, by complying with its instructions.

12. At page 8150, in item 3 of Appendix A to Part 2, in the column headed "Series" the first entry "TLAS 1591" should read "TIAS 1591".

13. At page 8150, column 2, (§ 3.34, Normal license period), insert the paragraph designation "(a)" after the title of this section.

14. At page 8151, column 2, line 19 of § 3.271, Discontinuance of operation, correct the word "notify" to read "notifying".

15. At page 8153, column 3, § 7.19, Percentage modulation (amplitude), line 8 of this section of Part 7, correct the word "percentages" to read "percentage".

16. At page 8155, column 1, § 8.34 should be corrected to read "§ 8.36" where it appears in this amendment.

17. At page 8155, column 1, § 8.36 should be corrected to read "§ 8.37" where it appears in this amendment.

18. In the table of frequency allocations (§ 2.104 (a)) the following corrections are made:

At pages 8136, 8137, 8141, 8142, 8143, 8144, 8145, in footnote US17, next to last

line, the words "caused by services" should be changed to "caused to services".

At page 8140, opposite the band "118-132", insert the entry "108-132 (US5) (Con.)" in column 5 and insert "G, NG (Con.)" in column 6.

At page 8141, opposite the band "118-132", insert the entry "108-132 (US5) (Con.)" in column 5 and insert "G, NG (Con.)" in column 6.

At page 8141, in column 11 of this tabulation, delete the abbreviation "Con." following the first entry in this column.

At page 8142, in column 2 of this tabulation, delete the first entry in this column "Amateur. (Con.)".

At page 8142, in column 4, the footnote "207", should be moved to the left until it is directly under the letter "b".

At page 8142, in column 2, the footnote "208" should be moved to the left until it is directly under the letter "b".

At page 8142, in column 4, the footnotes "210" and "211" should be moved to the left until they fall directly under the letter "c".

At page 8142, in text of footnote 207, the word "radio-navigation" should read "radionavigation".

At page 8143, the first entries in columns 1, 3, and 4 should be dropped down until they appear on the line next above the entry 610-940 appearing in column 1, to allow the insertion of the following in the columns indicated, opposite the frequency "450-960" in column 5: "470-585 (Con.)" in column 1; and "Broadcasting (Con.)" in column 2.

At page 8143, immediately above the entry "890-940", appearing in column 7, a horizontal line should be drawn through columns 7, 8, 9, 10 and 11.

At page 8143, the footnote "212", appearing in column 2, should be moved and placed directly under the entry, "610-940", appearing in column 1.

At page 8143, in column 5, under the entry "450-960", the note reference US11 should be deleted and the footnote US11 should be deleted at the bottom of the page.

At page 8143, in the text of footnotes "212" and "220" at the bottom of the page, strike out the comma after the word "scientific" wherever it appears in these footnotes.

At page 8143, in column 8, opposite the entry "2450-2500" in column 7, move the footnote reference "NG17" to the left until it falls directly under the letter "b".

At page 8144, the first entry in column 6, "G, NG", should be corrected to read "G, NG".

At page 8144, footnote NG 18, appearing at the bottom of this page, should be corrected to read:

NG18 The radiolocation service may be authorized to employ this band for radiolocation purposes on the condition that harmful interference will not be caused to the radionavigation service.

At page 8145, following footnote NG16 at the end of this tabulation, add the following footnote (NG18):

NG18 The radiolocation service may be authorized to employ this band for radiolocation purposes on the condition that harmful interference will not be caused to the radionavigation service.

As corrected the table of frequency allocations reads as follows:

## § 2.104 Frequency allocations—(a) Table of frequency allocations. The following is the table of frequency allocations:

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of service (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
24.99-25.01 (170)	Standard frequency.			24.99-25.01 (US17)	G.					
25.01-25.60	a. Fixed. b. Mobile except aeronautical mobile.			25.01-25.33	NG.					
25.6-26.1	Broadcasting.			25.33-25.85 (US17)	G.					
26.1-27.5 (172)	a. Fixed. b. Mobile except aeronautical mobile.			25.85-26.49	NG.					
(171)				26.49-26.95 (US17)	G.					
27.5-28.0		27.5-28.0	a. Fixed. b. Mobile.	26.95-27.54	NG.					
				27.54-28.00 (US17)	G.					
28.0-29.7	Amateur.			28.0-29.7	Amateur (US1).					
29.7-33.0		29.7-44.0	a. Fixed. b. Mobile.	29.70-29.89	NG.					
				29.89-29.91 (US17)	G.					
				29.91-30.00	NG.					
				30.00-30.50 (US17)	G.					
				30.50-32.00	NG.	30.50-32.00 (NG1)	Land mobile.	a. Base. b. Land mobile.	30.58 30.62	INDUSTRIAL. Do.
									30.66	INDUSTRIAL; LAND TRANSPORTATION.
									30.70 30.74 30.78 30.82	Do. Do. Do. Do.
									30.80	LAND TRANSPORTATION; PUBLIC SAFETY.
									30.80 30.84 30.88 31.02 31.06 31.10 31.14	Do. Do. Do. Do. Do. Do. Do.
									31.18 31.22 31.26 31.30 31.34 31.38 31.42 31.46 31.50 31.54 31.58 31.62 31.66 31.70 31.74 31.78 31.82 31.86 31.90 31.94 31.98	PUBLIC SAFETY. Do.

(170) The standard frequency is 25 Mc.

(171) The frequency 27.12 Mc is designated for industrial, scientific, and medical purposes. Emissions must be confined within the limits of  $\pm 0.6$  percent of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(172) In Region 2, Australia, New Zealand, the Union of South Africa and the territory under mandate of Southwest Africa, the amateur service will operate within the band 26.96-27.23 Mc.

US1 Pulsed emissions prohibited.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

## RULES AND REGULATIONS

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Fro- quency Mc	Nature (OF SERV- ICES of stations
1	2	3	4	5	6	7	8	9	10	11
29.7-33.0 (Con.)		29.7-44.0 (Con.)	a. Fixed. b. Mobile. (Con.)	32-33 (US 17)	G.					
				33-34	NG.	33-34 (NG1)	Land mobile.	a. Base. b. Land mobile.	33.02 33.06 33.10	PUBLIC SAFETY. Do. Do.
									33.14 33.18 33.22 33.26 33.30 33.34 33.38	INDUSTRIAL. Do. Do. Do. Do. Do. Do.
									33.42 33.46 33.50 33.54 33.58 33.62 33.66 33.70 33.74 33.78 33.82 33.86 33.90 33.94 33.98	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
				34-35 (US 17)	G.					
				35-36	NG.	35.00-35.04 (NG1)	Land mobile.	a. Base. b. Land mobile.	35.02	INDUSTRIAL.
						35.04-35.20 (NG1)	a. Maritime mo- bile. b. Land mobile.	a. Coast. b. Ship. c. Base. d. Land mobile.	35.06 35.10 35.14 35.18	INDUSTRIAL; MARITIME MO- BILE. Do. Do. Do.
						35.2-36.0 (NG1)	Land mobile.	a. Base. b. Land mobile.	35.22 35.26 35.30 35.34 35.38 35.42 35.46 35.50 35.54 35.58 35.62 35.66 35.70 35.74 35.78 35.82 35.86 35.90 35.94 35.98	D O M E S T I C PUBLIC; LAND TRANSPORTA- TION. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
				36-37 (US17)	G.					
				37-38	NG.	37-38 (NG1)	Land mobile.	a. Base. b. Land mobile.	37.02 37.06 37.10 37.14 37.18 37.22 37.26 37.30 37.34 37.38 37.42	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 Experimental stations engaged solely in scientific or technical radio experiments

not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.





## RULES AND REGULATIONS

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
29.7-88.0 (Con.)		29.7-44.0 (Con.)	a. Fixed. b. Mobile. (Con.)	42-44 (Con.)	NG. (Con.)	43.2-44.0 (NG1)	Land mobile.	a. Base. b. Land mobile.	43.22	DOMESTIC PUBLIC LAND TRANSPORTATION.
									43.26	
									43.30	
									43.34	
									43.38	
									43.42	
									43.46	
									43.50	
									43.54	
									43.58	
									43.62	
									43.66	
									43.70	
									43.74	
									43.78	
									43.82	
									43.86	
									43.90	
									43.94	
									43.98	
(184)		44-50	a. Broadcasting. b. Fixed. c. Mobile.	44-50	NG.					
		50-54	Amateur.	50-54	Amateur (US1).	50-54	Amateur.			
		54-72	a. Broadcasting. b. Fixed. c. Mobile.	54-72	NG.	54-72 (NG1)	Broadcasting.	Television broadcasting.	55.25 59.75 61.25 65.75 67.25 71.75	Video Sound } Channel 2. Video Sound } Channel 3. Video Sound } Channel 4.
		72-76	a. Fixed. b. Mobile.	72-76	NG. (US3, 4).					
		76-88	a. Broadcasting. b. Fixed. c. Mobile.	76-88	NG.	76-88 (NG1)	Broadcasting.	Television broadcasting.	77.25 81.75 83.25 87.75	Video Sound } Channel 5. Video Sound } Channel 6.
88-100	Broadcasting.			88-108	NG.	88-108 (NG1)	Broadcasting.	FM broadcasting (NG4).	88.1 88.3 88.5 88.7 88.9 89.1 89.3 89.5 89.7 89.9 90.1 90.3 90.5 90.7 90.9 91.1 91.3 91.5 91.7 91.9 92.1 92.3 92.5 92.7 92.9 93.1 93.3 93.5 93.7 93.9 94.1 94.3 94.5 94.7 94.9 95.1 95.3 95.5 95.7 95.9 96.1 96.3 96.5 96.7 96.9	FM channel 201. FM channel 202. FM channel 203. FM channel 204. FM channel 205. FM channel 206. FM channel 207. FM channel 208. FM channel 209. FM channel 210. FM channel 211. FM channel 212. FM channel 213. FM channel 214. FM channel 215. FM channel 216. FM channel 217. FM channel 218. FM channel 219. FM channel 220. FM channel 221. FM channel 222. FM channel 223. FM channel 224. FM channel 225. FM channel 226. FM channel 227. FM channel 228. FM channel 229. FM channel 230. FM channel 231. FM channel 232. FM channel 233. FM channel 234. FM channel 235. FM channel 236. FM channel 237. FM channel 238. FM channel 239. FM channel 240. FM channel 241. FM channel 242. FM channel 243. FM channel 244. FM channel 245.

(184) The frequency 75 Mc is designated for aeronautical marker beacons. In Region 1, the guardband is  $\pm 0.2$  Mc; in Regions 2 and 3,  $\pm 0.4$  Mc.

US1 Pulsed emissions prohibited.

US3 Existing Government radiosonde stations now operating on the frequency 72.2 Mc will continue to operate on that frequency for a period not to extend beyond June 1, 1950.

US4 The use of the frequency 75 Mc by aeronautical marker beacons is temporary and may be authorized until they are moved to a frequency band allocated for the aer-

onautical radionavigation service, or until they are no longer required. (See notes 210 and US12).

NG1 Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG4 Facsimile broadcasting stations may be authorized in the band 88-108 Mc.

[illegible]

US5 The frequency assignment plan in effect for both government and nongovernment stations in the band 168-132 Mc is indicated in columns 10 and 11.

NG1 Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, except developmental stations and export developmental

stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG4 Facsimile broadcasting stations may be authorized in the band 88-106 Mc.

## RULES AND REGULATIONS

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature OF SERV. ICES of stations
1	2	3	4	5	6	7	8	9	10	11
103-118 (Con.)	Aeronautical radio- navigation. (Con.)			103-132 (US5) (Con.)	G, NG. (Con.)	103-118 (Con.)	Aeronautical ra- dio navigation. (Con.)	Radionavigation land. (Con.)	112.1	Omnidirectional range; radio range.
									112.2	Do.
									112.3	Do.
									112.4	Do.
									112.5	Do.
									112.6	Do.
									112.7	Do.
									112.8	Do.
									112.9	Do.
									113.0	Do.
									113.1	Do.
									113.2	Do.
									113.3	Do.
									113.4	Do.
									113.5	Do.
									113.6	Do.
									113.7	Do.
									113.8	Do.
									113.9	Do.
									114.0	Do.
									114.1	Do.
									114.2	Do.
									114.3	Do.
									114.4	Do.
									114.5	Do.
									114.6	Do.
									114.7	Do.
									114.8	Do.
									114.9	Do.
									115.0	Do.
									115.1	Do.
									115.2	Do.
									115.3	Do.
									115.4	Do.
									115.5	Do.
									115.6	Do.
									115.7	Do.
									115.8	Do.
									115.9	Do.
									116.0	Do.
									116.1	Do.
									116.2	Do.
									116.3	Do.
									116.4	Do.
									116.5	Do.
									116.6	Do.
									116.7	Do.
									116.8	Do.
									116.9	Do.
									117.0	Do.
									117.1	Do.
									117.2	Do.
									117.3	Do.
									117.4	Do.
									117.5	Do.
									117.6	Do.
									117.7	Do.
									117.8	Do.
									117.9	Do.
118-132	Aeronautical mo- bile (R) (149) (256).			103-132 (US5) (Con.)	G, NG (Con.)	118-132 (US6)	Aeronautical mo- bile.	a. Aeronautical. b. Aircraft.	118.1	Airport control.
									118.2	Do.
									118.3	Do.
									118.4	Do.
									118.5	Do.
									118.6	Do.
									118.7	Do.
									118.8	Do.
									118.9	Do.
									119.0	Do.
									119.1	Do.
									119.2	Do.
									119.3	Do.
									119.4	Do.
									119.5	Do.
									119.6	Do.
									119.7	Do.
									119.8	Do.
									119.9	Do.
									120.0	Do.
									120.1	Do.
									120.2	Do.

(149) For the explanation of the term "Aeronautical mobile (R)" see 256.  
 (256) Frequencies in any band allocated to the aeronautical mobile (R) service are reserved for communications between any aircraft and those aeronautical stations primarily concerned with the safety and regularity of flight along national or international civil air routes.

US5 The frequency assignment plan in effect for both government and nongovernment stations in the band 103-132 Mc is indicated in columns 10 and 11.

US6 Public correspondence in the frequency bands allocated exclusively to the aeronautical mobile service is not permitted.

[illegible]

(149) For the explanation of the term "Aeronautical mobile (R)" see 256.

(195) The frequency 121.5 Mc is the aeronautical emergency frequency in this band.

(98) The frequency 156.80 Mc is designated for world-wide use for safety calling and intership and harbour control communications in the maritime mobile service (simplex telephony). Any other use of this frequency should be avoided in areas where such other use is liable to cause harmful interference to the maritime mobile service. The interested administrations will ensure, by special arrangements where necessary, that an adequate guard-band is provided. In Region 2, its use for this purpose will be limited to the frequency modulated type of transmission. It is strictly recommended that the same type of transmission be adopted for this purpose in Regions 1 and 3.

(256) Frequencies in any band allocated to the aeronautical mobile (R) service are reserved for communications between any aircraft and those aeronautical stations

primarily concerned with the safety and regularity of flight along national or international civil air routes.

**US: Pulsed emissions prohibited.**

US6 Public correspondence in the frequency bands allocated exclusively to the aeronautical mobile service is not permitted.

US7 The frequency 402.5 Mc may be authorized on an interim basis to civil aviation as a common simplex frequency for emergency and distress communications, available to all stations operating in or with the aeronautical mobile service.

US17 Centret developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission					OF SERV. ICES of stations
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Fre- quency Mc	Nature	
1	2	3	4	5	6	7	8	9	10	11	
146-235 (Con.)		174-216	a. Broadcasting. b. Fixed. c. Mobile.	174-21	NG.	174-216 (NG1)	Broadcasting.	Television broad- casting.	175.25	Video	Channel 7. Channel 8. Channel 9. Channel 10. Channel 11. Channel 12. Channel 13.
									179.75	Sound	
									181.25	Video	
									185.75	Sound	
									187.25	Video	
									191.75	Sound	
									193.25	Video	
									197.75	Sound	
									199.25	Video	
									203.75	Sound	
235.0-328.6	a. Fixed. b. Mobile.	216-220	a. Fixed. b. Mobile.	216-220 (US8, 17)	G.				217.425	Telemetering land; Telemetering mo- bile.	
									217.475	Do.	
									217.525	Do.	
									217.550	Do.	
									217.575	Do.	
									217.625	Do.	
									217.675	Do.	
									219.325	Telemetering land; Telemetering mo- bile.	
									219.375	Do.	
									219.425	Do.	
328.6-335.4 (259)	Aeronautical radio- navigation.			328.6-335.4	G, NG.	328.6-335.4	Aeronautical ra- dionavigation.	Radionavigation land.		Glide path.	
335.4-420.0	a. Fixed. b. Mobile. (208)			335.4-400.0 (US9, 10) (US17)	G.						
420-450	a. Aeronautical ra- dionavigation. b. Amateur. (210) (211)			420-450 (US11)	Amateur (US1) (US18)	420-450	Amateur.				
450-460	a. Aeronautical ra- dionavigation. b. Fixed. c. Mobile. (210) (211)	450-460		450-960 (US 11)	NG.						
460-470	a. Fixed. b. Mobile.					460-470 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS RADIO.	
470-585	Broadcasting.					470-475 (NG1)	Broadcasting.	Facsimile broad- casting.			
475-500 (NG1)	Broadcasting.					475-500 (NG1)	Broadcasting.	Broadcasting.			

(207) In Region 2, distance measuring equipment in the aeronautical radionavigation service may be operated in the band 220-231 Mc until the 1st January 1952 in accordance with appropriate bilateral or multilateral arrangements.

(208) The meteorological aids service (radiosonde) may be operated in the band 400-420 Mc.

(210) In the band 420-460 Mc the aeronautical radionavigation service has priority. The other services are admitted to this band only on condition that harmful interference is not caused to the aeronautical radionavigation service.

(211) In Region 2, the allocation for the aeronautical radionavigation service in the band 420-460 Mc is temporary and is exclusively for altimeters.

(259) The band 328.6-335.4 Mc is for the use of the Instrument Landing System (glide path).

US1 Pulsed emissions prohibited.

US8 In the government band 216-220 Mc, the frequencies 217.425 through 217.675 Mc and 219.325 through 219.575 Mc, inclusive, may be authorized for use by non-government telemetering mobile stations aboard aircraft and telemetering land stations; for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

US9 The United States will permit interim use of the band 220-231 Mc for the British

radar distance indicator system at specific U. S. gateways of international air routes. The interim use at these locations will terminate not later than Jan. 1, 1952. Until Jan. 1, 1952, the frequency band 235-240 Mc will be available for allocation to the amateur service in those areas where interference is caused to the operation of the British or Canadian radar distance indicator system by amateur operation in the band 220-225 Mc.

US10 This band is designated for government stations, with adequate channels to be reserved for civil aviation.

US11 The aeronautical radionavigation service will not be permitted to use the band 420-460 Mc after Feb. 15, 1950.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

US18 Amateur peak power to be limited to 50 watts until Feb. 15, 1950.

NG1 Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.



World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	(OF SERV-ICES of stations) Nature
1	2	3	4	5	6	7	8	9	10	11
470-585 (Con.) 585-610 610-940 (212)	Broadcasting. (Con.) Broadcasting. (214)	585-610	Broadcasting.	450-500 (Con.)	NG. (Con.)	600-830 (NG1)	Broadcasting.	Television broad-casting.		
						830-940 (NG1, 13)	a. Broadcasting. b. Fixed.		915	Industrial, scientific and medical equip-ment.
940-960		940-960	Fixed.			940-952 (NG1, 13)	Fixed.	FM broadcast STL. (NG14).		
						952-960 (NG1, 15)	Fixed.	a. International control. b. Operational fixed.		
960-1215	Aeronautical radio-naviga-tion.			960-1215 (US12)	G, NG.	960-1215	Aeronautical radionaviga-tion.			
1215-1300	Amateur.			1215-1300.	Amateur. (US1)	1215-1300	Amateur.			
1300-1700	(216).	1300-1660	Aeronautical radio-naviga-tion. (218)	1300-1700 (US13) (US14)	G, NG.	1300-1365	Aeronautical radionaviga-tion.	Surveillance radar. (Pulsed emission only.)		
						1365-1660	Aeronautical radionaviga-tion.	Aeronautical radio-naviga-tion (in-cluding alti-meter).		
		1660-1700	Meteorological aids (radiosonde).			1660-1700	Meteorological aids (radio-sonde).		1650	Radiosonde.
1700-2300	a. Fixed. b. Mobile.			1700-1850 (US17)	G.					
				1850-2200	NG.	1850-1930 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						1930-2110 (NG1)	a. Fixed. b. Mobile.	a. Television pick-up. b. Television STL. (NG15)		
						2110-2200 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
				2200-2300 (US17)	G.					
2300-2450 (220)	Amateur.			2300-2450	Amateur.	2300-2450	Amateur.			
2450-2700 (220)	a. Fixed. b. Mobile.			2450-2700	NG.	2450-2500 (NG1)	a. Fixed. b. Mobile. (NG17)		2450	Industrial, scientific and medical equip-ment.
						2500-2700 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		

(212) In Region 2, the frequency 915 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of  $\pm 25$  Mc of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(216) In Region 2, the fixed service may operate in the band 830-940 Mc.

(218) In Region 2, the band 1300-1660 Mc is intended for an integrated system of electronic aids to air navigation and traffic control. Administrations of the other Regions should envisage the possibility of the future application of such a system on a world-wide basis.

(218) In Region 2 and the United Kingdom, the use of the band 1300-1365 Mc is restricted to surveillance radar.

(220) In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom, the frequency 2450 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of  $\pm 50$  Mc of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US1 Pulsed emissions prohibited.

US12 The band 960-1215 Mc is for distance measuring and other functions related to those performed in the band 1365-1660 Mc.

US13 The fixed and mobile services which were operating in the band 1300-1660 Mc on April 2, 1948, may be authorized to continue to use such frequencies until December 31, 1952, on the condition that harmful interference will not be caused to the aeronautical radionavigation service.

US14 In non-military aviation, it is not anticipated that the altimeter function will be performed in the band 1365-1660 Mc except in coordination with other functions required for an aeronautical radionavigation system.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG14 Interim FM relay stations may be authorized to use the band 940-952 Mc on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG15 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG16 Interim television relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG17 The radiolocation service may be authorized the use of the band 2450-2500 Mc, solely for purposes other than radionavigation or safety, on the condition that harmful interference will not be caused to the fixed and mobile services.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature (OF SERV. IOES of stations)
1	2	3	4	5	6	7	8	9	10	11
2700-2900	Aeronautical radionavigation. (222)			2700-3300	G, NG.	2700-2900	a. Aeronautical radionavigation. b. Meteorological aids.			
2900-3300	Radionavigation. (223, 224)					2900-3246 (NG18)	Radionavigation.			
						3246-3266	Radionavigation.	Racon.	3256	Racon.
						3266-3300 (NG18)	Radionavigation.			
3300-3900		3300-3500	Amateur.	3300-3500	Amateur.	3300-3500	Amateur.			
		3500-3900	a. Fixed. b. Mobile.	3500-4200	NG.	3500-3700 (NG1)	Mobile.	a. Land. b. Mobile (except television pickup).		
3900-4200	a. Fixed. b. Mobile.					3700-4200 (NG1)	Fixed.	Common carrier fixed.		
4200-4400 (260)	Aeronautical radionavigation.			4200-4400	G, NG.	4200-4400	Aeronautical radionavigation.	Altimeter.		
4400-5000	a. Fixed. b. Mobile.			4400-5000 (US17)	G.					
5000-5250 (261)	Aeronautical radionavigation.			5000-5650	G, NG.	5000-5250	Aeronautical radionavigation.	Instrument landing.		
5250-5650	Radionavigation. (226, 227)					5250-5440 (NG18)	Radionavigation.			
						5440-5460	Radionavigation.	Racon.	5450	Racon.
						5460-5650 (NG18)	Radionavigation.			
5650-5850 (228)	Amateur.			5650-5925	Amateur.	5650-5925	Amateur.		5850	Industrial, scientific, and medical equipment.
5850-5925 (228)		5850-5925	Amateur.							
5925-8500	a. Fixed. b. Mobile.			5925-7125	NG.	5925-6425 (NG1)	Fixed.	Common carrier fixed.		
						6425-6575 (NG1)	Mobile.	a. Land. b. Mobile (except television pickup).		
						6575-6875 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						6875-7125 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)		
				7125-8500 (US17)	G.					

(222) The meteorological aids service may be operated in the band 2700-2900 Mc.

(223) The band 3246-3266 Mc is designated for racons.

(224) In the band 2900-3300 Mc shipborne radar in merchant ships is confined within the band 3000-3240 Mc.

(226) The band 5440-5460 Mc is designated for racons.

(227) In the band 5250-5650 Mc shipborne radar in merchant ships is confined within the band 5400-5650 Mc.

(228) In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom, the frequency 5850 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of  $\pm 75$  Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(260) The band 4200-4400 Mc is for the use of radio altimeters.

(261) The band 5000-5250 Mc is for the use of instrument landing systems.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference

will not be caused to services operating in accordance with the table of frequency allocations.

NG1 Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG16 Interim television relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG18 The radiolocation service may be authorized to employ this band for radiolocation purposes on the condition that harmful interference will not be caused to the radionavigation service.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature (OF SERVICES of stations)
1	2	3	4	5	6	7	8	9	10	11
8500-9500	Radionavigation. (230, 231)			8500-9500	G, NG.	8500-9000	Radionavigation.			
						9000-9500 (NG15)	Radionavigation.			
						9000-9500	Radionavigation.	Recon.	9319	Recon.
						9500-9500 (NG15)	Radionavigation.			
						9500-9500	Radionavigation.			
9500-10000	a. Fixed. b. Radionavigation.			9500-9500	NG.					
				9500-10000 (US17)	G.					
10000-10500	Amateur.			10000-10500	Amateur.	10000-10500	Amateur.			
Above 10500 not allocated.				10500-10700 (US15)	G, NG.				10500	Industrial, scientific and medical equipment.
				10700-13200	NG.	10700-11700 (NG1)	Fixed.	Common carrier fixed.		
						11700-12200 (NG1)	Mobile.	a. Land b. Mobile (except television pick-up)		
						12200-12700 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						12700-13200 (NG1)	a. Fixed. b. Mobile.	a. Television pick-up. b. Television STL (NG15)		
				13200-16000 (US17)	G.					
				16000-18000 (US16)	NG.	16000-18000 (NG1)	a. Fixed. b. Mobile.			18000 Industrial, scientific and medical equipment.
				18000-21000 (US16) (US17)	G.					
				21000-22000	Amateur.	21000-22000	Amateur.			
				22000-23000 (US17)	G.					
				23000-30000	NG.	23000-30000 (NG1)	a. Fixed. b. Mobile.			
				Above 30000	G, NG.			a. Amateur. b. Experimental.		

(230) The band 9300-9320 Mc is designated for racons.

(231) In the band 8500-9500 Mc shipborne radar in merchant ships is confined within the band 9320-9500 Mc.

US15 Emissions from industrial, scientific and medical equipment using the frequency 10500 Mc must be confined to the band 10500-10700 Mc. Sharing by radiocommunication services is to be determined at a later date.

US16 Emissions from industrial, scientific and medical equipment using the frequency 18000 Mc must be confined to the band 17850-18150 Mc. Radiocommunication services operating within the band 17850-18150 Mc must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG16 Interim television relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG18 The radiolocation service may be authorized to employ this band for radiolocation purposes on the condition that harmful interference will not be caused to the radionavigation service.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,  
T. J. SLOWIE,  
Secretary.

[Docket No. 8774]

**PART 3—RADIO BROADCAST SERVICES**  
**CONTRACTS PROVIDING FOR RESERVATION OF**  
**TIME UPON SALE OF STATION**

In the matter of promulgation of §§ 3.109, 3.241 and 3.641 containing special rules relating to contracts providing for reservation of time upon sale of a station.

On February 6, 1948, the Commission issued a notice of proposed rule making looking towards the adoption of special rules relating to contracts providing for reservation of radio time upon the sale of the station. On April 14, 1948 a supplemental notice of proposed rule making was issued in connection with the same matter. Comments of interested parties with respect to both the original notice and the supplemental notice of proposed rule making were received by the Commission and oral argument took place on June 28, 1948. The following parties participated in this argument: Berachah Church, Inc., Albert J. Felman, J. Frank Norris, William Penn Broadcasting Company and Tarrant Broadcasting Company. William Penn Broadcasting Company and Tarrant Broadcasting Company, in general, supported the rules as proposed by the Commission in its notices of February 6 and April 14, 1948. Only one of the parties, Albert J. Felman, has offered general objection to the adoption of rules such as were proposed in these notices. Mr. Felman contends that the Commission is without authority under the Communications Act of 1934 to adopt such rules and alleges that adoption of such rules would constitute a violation of the Fifth Amendment insofar as they may be applicable to a contract between Mr. Felman and Station WJOL which provides for the reservation of time and other rights to Mr. Felman. It is believed that these objections are without merit.

It is no longer open to question that under the Communications Act a station licensee is fully responsible for the operation and the control of his broadcast station and that he cannot properly divest himself by contract or otherwise of such responsibility. The act imposes upon the licensee the obligation to operate in the public interest and that responsibility is his alone. It is the licensee who must determine the selection and choice of programs and it is he who must determine the specific nature of the program structure which in the light of the specific circumstances and needs of the area which he serves will constitute a well-rounded program service, consonant with his obligation to operate in the public interest. While the Commission does review the overall operation of stations to determine whether the licensee has in fact presented a well-rounded program service, in day to day operations the licensee must exercise his own independent judgment and the types of decisions which the licensee is called upon to make in the day to day operation of the station cover the widest variety of subjects and interests. In passing upon the individual cases which have come before it the Commission has repeatedly emphasized that it is the station licensee who is responsi-

ble for the conduct of the station and for the operation in the public interest and the Commission has required that this responsibility be not delegated whether by contract or otherwise to another. This principle of licensee responsibility, which the Commission has consistently applied, was expressly recognized and approved by the Supreme Court in the case of *National Broadcasting Company v. United States*, 319 U. S. 190 (1943).

In accordance with the principle of licensee responsibility, the Commission has heretofore determined that it is not in the public interest and inconsistent with the nature of the rights conferred by a license under the Communications Act and duties for owners of radio stations as part of the consideration for the transfer of such stations, to reserve the right to the use of radio time on the station being sold, to attempt to obtain a right of reverter of license, or to obtain other rights which under the Communications Act can be exercised only by licensees. *Churchill Tabernacle v. Federal Communications Commission*, 81 App. D. C. 411, 160 F. 2d 244 (U. S. App. D. C. 1947). Paragraph (a) of §§ 3.109, 3.241, and 3.641 embodies in the form of a regulation the Commission's consistent interpretation of the provisions and requirements of the Communications Act in licensing and other proceedings. Nor would it appear that such requirements, so long as they are properly within the scope of the Commission's authority, are improper merely because they apply to existing arrangements. *National Broadcasting Company v. United States*, 319 U. S. 190 (1943); *Churchill Tabernacle v. Federal Communications Commission*.

In order to avoid undue hardship to licensees who entered into such contracts in good faith at a time when Commission policy with respect to such matters was not clear, and who fully disclosed such contracts to the Commission, the Commission has in the past permitted such licensees to secure renewal of licenses upon entering into appropriate modifications of such contracts. The Commission, however, recognizes that the parties in many instances are not in a position to take advantage of this procedure since they do not know what standards they must conform to in modifying their contracts. Accordingly, paragraph (b) of §§ 3.109, 3.241, and 3.641 set forth the minimum conditions which must be complied with before such modification of contracts will be approved by the Commission.

In arriving at these determinations, the Commission recognizes that persons who have made contracts with respect to the reservation of radio time in connection with the sale of a radio station have equities in these contracts which the Commission can appropriately recognize to the extent that it is able to do so consistent with the requirement of the Communications Act, and the proper discharge of the Commission's responsibilities under it. In promulgating the sections set out below the Commission feels that it has given recognition to these equities in accordance with the principles enunciated in *Churchill Tabernacle v. Federal Communications Commission*, 81

App. D. C. 411, 160 F. 2d 244 (U. S. App. D. C. 1947). Paragraphs (b) (1), (2), and (3) of §§ 3.109, 3.241, and 3.641 are all based upon the Commission's determination that under the Communications Act of 1934, the determination of radio program material is the responsibility of the individual station licensee and that this responsibility cannot be fettered in such a way as to make the exercise of that responsibility at any time impossible. Paragraphs (b) (4) and (5) of §§ 3.109, 3.241, and 3.641 are based upon sections 301 and 309 (b) of the Communications Act which make clear that licensees do not possess any property rights in license. It therefore appears to be clearly contrary to the public interest to permit the rights granted by licenses to be the subject of encumbrance by creation of interests enduring in perpetuity or for unreasonably long periods of time. In providing that agreements of the type under consideration shall contain a certain expiration date which shall not extend beyond February 15, 1964, the Commission has taken into consideration that in an industry as dynamic as radio, which is not yet even 30 years old, a contract of this nature which would still have 15 years before its termination is a contract of very long duration. It is to be noted that in an agreement entered into by J. Frank Norris, one of the parties appearing in this matter, and the Tarrant Broadcasting Company, licensee of Station KFJZ, the parties have themselves provided that the agreement shall not extend beyond 15 years. Under those circumstances, it appears that paragraphs (b) (4) and (5) of §§ 3.109, 3.241, and 3.641 adequately preserve the interests of those parties who have contracts with licensees with respect to the reservation of time.

Several parties have objected to the Commission's original proposal to provide that all such agreements contain an express provision giving the licensee the right at any time to terminate the contract at his own discretion upon the payment of a lump sum or periodic payments. It was contended that giving a licensee such unlimited power to terminate such a contract was unreasonable in view of the unfavorable situation in which it places the other parties to such contracts who had bargained for radio time and not a lump sum or periodic cash payments. In order to protect the equities of such persons paragraph (b) (6) of §§ 3.109, 3.241, and 3.641 as adopted hereinunder provides that the exercise of a right of termination shall be based on substantial cause as in circumstances under which the licensee proposes to assign the license or to transfer control of a corporate licensee and the contract providing for the reservation of time constitutes a hindrance to such assignment or transfer. It is believed that such a right of termination is necessary in order that the opportunity of licensees to make provisions under section 310 (a) of the Communications Act should not be hampered, and third parties who may assume the duties of a licensee, with the Commission's consent, should not be required to abide by such conditions as are set out in these contracts if in their judgment they desire

to make other program plans in fulfilling their responsibilities as a licensee. Further examples of when the licensee would be permitted to exercise his right of termination is when the licensee acquires a network affiliation or there is consistent disagreement as to programs between the parties. It is felt, however, that the provision that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by the performance of the contract is both fair and necessary. The equities of persons who have contracted with licensees for reservation of time are not prejudiced since the equities of such persons are of necessity diminished as they receive the radio time for which they bargained. Sections 3.109, 3.241, and 3.641 provide that in connection with consideration of proposed amounts to be paid upon the exercise of termination, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination. It is felt that these provisions adequately take into consideration the equities of all persons.

Accordingly, in accordance with the authority of sections 301, 303 (r), 307, 308 (b), 309 and 319 of the Communications Act of 1934, as amended, §§ 3.109, 3.241 and 3.641 are adopted effective February 15, 1949, as set forth below.

(Secs. 301, 307, 308, 309, 319, 48 Stat. 1081, 1083, 1084, 1085, 1089, sec. 6 (b), 50 Stat. 191; 47 U. S. C. 301, 303 (r), 307, 308 (b); 309, 319)

Adopted: January 6, 1949.

Released: January 7, 1949.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

§ 3.109 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a standard broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give considera-

tion to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964 and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right of termination. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

§ 3.241 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a FM broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer

of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modification will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964 and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In

determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

§ 3.641 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a television broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964, and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding,

in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

[F. R. Doc. 49-308; Filed, Jan. 12, 1949; 8:51 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue, Department of the Treasury

#### Subchapter A—Income and Excess Profits Taxes [T. D. 5684]

#### PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

##### TAXATION OF AMOUNTS RECEIVED AS ANNUITY UNDER ANNUITY OR ENDOWMENT CONTRACT

On September 30, 1948, notice of proposed rule making relating to taxation of amounts received as an annuity under an annuity or endowment contract was published in the FEDERAL REGISTER (13 F. R. 5663). After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments to Regulations 111 (26 CFR, Part 29) are hereby adopted.

PARAGRAPH 1. Section 29.22 (b) (2)-1 is amended by adding at the end thereof the following: "For purposes of the preceding sentence, the term 'amounts received before the taxable year under such policy' shall not be construed to include so much of any payments as were included in gross income as amounts received as an annuity under an annuity or endowment contract for taxable years ending prior to but not on December 31, 1948. Appropriate adjustment will be required with respect to such payments, or portion thereof, so included as form the basis of a pending or successful claim or suit for refund. For definition of 'annuity' see § 29.22 (b) (2)-2."

PAR. 2. Section 29.22 (b) (2)-2 is amended as follows:

(A) The first sentence of the first paragraph thereof is stricken out and there is inserted in lieu thereof the following:

§ 29.22 (b) (2)-2 *Annuities.* As used in section 22 (b) (2) (A), "amounts re-

ceived as an annuity under an annuity or endowment contract" means amounts (based on a computation with reference to life expectancy and mortality tables and payable over a period longer than one year) received in periodical installments, whether annually, semiannually, quarterly, monthly, or otherwise. For adjustment in the case of amounts received in periodical installments for a fixed period and included in gross income for taxable years ending prior to but not on December 31, 1948, as an annuity under an annuity or endowment contract see § 29.22 (b) (2)-1.

(B) The fourth sentence of the first paragraph thereof is stricken out and there is inserted in lieu thereof the following: "Annuities paid to retired employees pursuant to the Civil Service Retirement Act of May 29, 1930, 46 Stat. 468, 475, as amended (5 U. S. C., chapter 14; and Public Law 426, approved February 28, 1948, 62 Stat. 48), are subject to section 22 (b) (2), the aggregate premiums or consideration paid for such annuities being the total of the amounts previously withheld from the compensation of the employees."

PAR. 3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 62 and 3791 of I. R. C. (53 Stat. 32, 467; 26 U. S. C. 62, 3791))

[SEAL] GEO. J. SCHOENEMAN,  
Commissioner of Internal Revenue.

Approved: January 7, 1949.

THOMAS J. LYNCH,

Acting Secretary of the Treasury.

[F. R. Doc. 49-297; Filed, Jan. 12, 1949; 8:49 a. m.]

#### Subchapter C—Miscellaneous Excise Taxes [T. D. 39]

#### PART 152—REGULATIONS UNDER THE MARIHUANA TAX ACT OF 1937

##### SPECIAL TAX ON, REGISTRATION OF, AND EXEMPTION FOR CERTAIN TRANSFERS TO, MILLERS

On October 23, 1948, notice of proposed rule making, regarding amendment of marihuana tax regulations with respect to status of millers, made necessary by section 10 of the act of March 8, 1948, (Sec. 10, 60 Stat. 40; 26 U. S. C. 3231) was published in the FEDERAL REGISTER (13 F. R. 6250). No objection to the rules proposed having been received, the amendments set forth below are hereby adopted. The amendments are made in order to conform Marihuana Regulations 1, with said section 10 of the act of March 8, 1948.

Regulations No. 1 (26 CFR, Part 152), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4884, approved February 11, 1939 (Note, 26 CFR, Cum. Supp., page 5875), are amended as follows:

PARAGRAPH 1. Article 2 (§ 152.2) is amended by relettering paragraphs (e) to (h) inclusive, (f) to (i) inclusive, and by inserting after paragraph (d) a new paragraph (e), which reads as follows:

§ 152.2 *Meaning of terms.* \* \* \*

(e) The term "miller" means any person who at a mill manufacturers or pro-



duces from the plant *Cannabis sativa* L. any fiber or fiber products.

PAR. 2. There is inserted immediately preceding Article 3 (§ 152.3), the following:

**SEC. 3231. REGISTRATION (Internal Revenue Code).**

(a) *In general.* Any person subject to the tax imposed by section 3230 shall, upon payment of such tax, register his name or style and his place or places of business with the collector of the district in which such place or places of business are located.

(b) *Special requirements for millers.* The Secretary shall not permit the registration of any person under this section as a person required to pay the tax imposed by section 3230-(a) (6), unless in the opinion of the Secretary such person (or if a corporation, each officer thereof) is a person of good moral character and unless in the opinion of the Secretary such person is a person of suitable financial standing, intends to engage in good faith in the business of manufacturing or producing fiber or fiber products from the plant *Cannabis sativa* L. on a commercial basis, and is not seeking registration under this section for the purpose of facilitating the unlawful diversion of marihuana. Any person who is registered under this section and has paid the tax imposed by section 3230 (a) (6) shall afford agents of the Bureau of Narcotics ready access at all times to any part of the premises of the mill or other premises of such person and the right to inspect any and all books, papers, records, or documents connected with the activities of such person in dealing in, manufacturing, and processing *Cannabis sativa* L. and fiber or fiber products thereof, and the handling of marihuana. The Secretary may cancel or may refuse to renew, after notice and opportunity for hearing, the registration of any such person if he finds that such person has not complied or is not complying with the requirements of this subsection, or if he finds that grounds exist which would justify the refusal to permit the original registration of such person under this section. [As added by sec. 10 (c), 60 Stat. 40; 26 U. S. C. 3231 (b)]

PAR. 3. The first sentence of Article 3 (§ 152.3) is amended by substituting a comma for the period after the word "marihuana" at the end thereof, and adding "or who manufactures or produces any fiber or fiber products from the plant *Cannabis sativa* L."

PAR. 4. Immediately after Article 4 (§ 152.4) there is inserted the following:

§ 152.4a *Investigation of millers' applications.* (a) All applications filed by millers on Form 678c shall be referred by the collector to the appropriate narcotic district supervisor for investigation, report, and recommendation. Applications on Form 678c for reregistration shall also be referred by the collector to the appropriate narcotic district supervisor for investigation, report, and recommendation, if the collector is in doubt as to the applicant's being lawfully entitled to engage in the activity for which he seeks registration.

(b) In the case of applications which have been so referred, the collector shall not issue a special tax stamp in connection with any registration until information has been submitted to him by the narcotic district supervisor, that the applicant is lawfully entitled to engage in the activity in the district in which he seeks registration.

(c) Upon receipt of such application for registration or reregistration, the

narcotic district supervisor shall immediately cause an investigation to be made of the applicant to determine whether he meets the qualifications set forth in section 3231 (b) of the Internal Revenue Code. In the case of a new applicant particularly, the investigation shall include a comprehensive inquiry to determine whether the applicant is equipped with technical facilities and technical skill adequate to establish and maintain the proposed milling operation with reasonable degree of efficiency; whether the applicant has a market for the prospective fiber products; and whether there are or will be appropriate safeguards against diversion of marihuana while en route to, or at, the mill premises. The narcotic district supervisor shall make a complete report of the result of the investigation, with a statement of his findings and his recommendation, to the Commissioner of Narcotics who will notify the district supervisor of his approval or disapproval of the application, or direct that more information be furnished or that additional investigation be made before decision of approval or disapproval is made.

(d) Upon receipt of said notification, the narcotic district supervisor shall return the application to the collector with a statement that it has been approved or disapproved by the Commissioner of Narcotics including, in case of disapproval, representation of the points wherein the applicant lacks statutory qualification. The application together with the statement shall be returned to the collector within twenty days from date of receipt of the application by the district supervisor, unless a longer time shall be required within which to complete an investigation and report. In the latter event the district supervisor shall, upon or before the expiration of the said twenty days, notify the collector stating the estimated additional time required.

(e) If the application is returned disapproved, the collector shall so notify the applicant with a statement of the points wherein he lacks the necessary qualifications, and shall deny him registration.

(f) If the narcotic district supervisor shall find, after investigation, that a miller already registered has not complied or is not complying with the requirements of section 3231 (b) of the Internal Revenue Code, or that grounds exist which would justify the refusal to permit the original registration of such person under said section, he shall report the result of his investigation, with a statement of his findings and his recommendation, to the Commissioner of Narcotics whether or not an application by the miller for reregistration (renewal) has been submitted or is pending. The Commissioner of Narcotics may direct that more information be furnished or that additional investigation be made before decision is made in the case. The final decision of the Commissioner of Narcotics shall be communicated to the narcotic district supervisor and if adverse to the registrant, will include a statement showing wherein said registrant is deemed to be disqualified.

The collector shall immediately notify the registrant of an adverse decision with

the included statement of disqualification, and that his current registration is canceled and that reregistration will be, or if application is pending is, denied. As the public health, interest and safety require otherwise, the registrant shall not be accorded opportunity to demonstrate or achieve compliance with the lawful requirements before cancellation of registration or denial of reregistration.

Within fifteen days from the date of the collector's notification of cancellation of existing registration or denial of reregistration, the registrant so notified may request a hearing by letter addressed and mailed to the Commissioner of Narcotics, Washington 25, D. C. Upon receipt of timely application, the Commissioner of Narcotics shall arrange a hearing at a time and place convenient to the parties, but effort will be made to hold such hearing within thirty days, before a hearing officer to be designated by said Commissioner and pursuant to rules to be hereafter promulgated and published.

PAR. 5. There is inserted immediately preceding Article 10 (§ 152.10) the following:

**SEC. 3230. TAX (Internal Revenue Code).**

(a) *Liability and time for payment of tax.* Every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana shall (1) before engaging in any of the above-mentioned activities, and (2) thereafter, on or before July 1 of each year, pay the following special taxes respectively:

(1) *Importers, manufacturers, and compounders.* Importers, manufacturers, and compounders of marihuana, \$24 per year.

(2) *Producers.* Producers of marihuana (except those included within subdivision (4) of this subsection), \$1 per year, or fraction thereof, during which they engage in such activity.

(3) *Physicians, dentists, veterinary surgeons, and other practitioners.* Physicians, dentists, veterinary surgeons, and other practitioners who distribute, dispense, give away, administer, or prescribe marihuana to patients upon whom they in the course of their professional practice are in attendance, \$1 per year or fraction thereof during which they engage in any of such activities.

(4) *Persons engaged in research, instruction, or analysis.* Any person not registered as an importer, manufacturer, producer, or compounder who obtains and uses marihuana in a laboratory for the purpose of research, instruction, or analysis, or who produces marihuana for any such purpose, \$1 per year, or fraction thereof, during which he engages in such activities.

(5) *Persons not otherwise taxed.* Any person who is not a physician, dentist, veterinary surgeon, or other practitioner and who deals in, dispenses, or gives away marihuana, \$3 per year: *Provided*, That any person who has registered and paid the special tax as an importer, manufacturer, compounder, or producer, as required by subdivisions (1) and (2) of this subsection, may deal in, dispense, or give away marihuana imported, manufactured, compounded, or produced by him without further payment of the tax imposed by this section.

(6) *Millers.* Any person who at a mill manufactures or produces from the plant *Cannabis sativa* L. any fiber or fiber products, \$1 per year or fraction thereof during which he engaged in such activities. [Subpar. (6) added by sec. 10 (b), 60 Stat. 40; 26 U. S. C. 3230 (a) (6)]

PAR. 6. Article 10 (§ 152.10) is amended as follows:

a. There is inserted in the table under the heading "Class" the numeral "VI"; under the heading "Annual tax rate" the numeral "1"; and under the heading "Persons liable" the word "Millers."

b. The last sentence in paragraph two is amended to read as follows: "Persons registering in classes II, IV V or VI, shall pay the tax of \$1 a year or for any fractional part thereof, regardless of when business is commenced."

PAR. 7. Immediately after Article 16 (§ 152.16), there is inserted the following:

§ 152.16a *Millers*. Every person who at a mill manufactures or produces from the marihuana plant any fiber or fiber products is subject to tax as a miller at the rate of \$1 per annum or fraction thereof in class VI.

PAR. 8. The last sentence in the first paragraph of Article 38 (§ 152.38) is amended to read as follows: "The coupon stamps are issued to registrants in classes I and III, and the stamps without coupons to registrants in classes II, IV V and VI."

PAR. 9. There is inserted immediately preceding Article 52 (§ 152.52) the following:

SEC. 2591. ORDER FORMS (Internal Revenue Code).

(a) *General requirement*. It shall be unlawful for any person, whether or not required to pay a special tax and register under sections 3230 and 3231, to transfer marihuana, except in pursuance of a written order of the person to whom such marihuana is transferred, on a form to be issued in blank for that purpose by the Secretary.

(b) *Exceptions*. Subject to such regulations as the Secretary may prescribe, nothing contained in this section shall apply:

(1) *Professional practice*. To a transfer of marihuana to a patient by a physician, dentist, veterinary surgeon, or other practitioner registered under section 3231, in the course of his professional practice only. *Provided*, That such physician, dentist, veterinary surgeon, or other practitioner shall keep a record of all such marihuana transferred, showing the amount transferred and the name and address of the patient to whom such marihuana is transferred, and such record shall be kept for a period of two years from the date of the transfer of such marihuana, and subject to inspection as provided in section 2595.

(2) *Prescriptions*. To a transfer of marihuana, made in good faith by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, veterinary surgeon, or other practitioner registered under section 3231. *Provided*, That such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, veterinary surgeon, or other practitioner who issues the same. *Provided further*, That such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled so as to be readily accessible for inspection by the officers, agents, employees, and officials mentioned in section 2595.

(3) *Exportation*. To the sale, exportation, shipment, or delivery of marihuana by any person within the United States, any Territory, the District of Columbia, or any of the insular possessions of the United States, to any person in any foreign country regulating the entry of marihuana, if such sale, shipment, or delivery of marihuana is made in accordance with such regulations for importation into such foreign country as are prescribed by such foreign country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

(4) *Government and State officials*. To a transfer of marihuana to any officer or

employee of the United States Government or of any State, Territorial, District, county, or municipal or insular government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, the Public Health Service, and for Government, State, Territorial, District, county, or municipal or insular hospitals or prisons.

(5) *Certain seeds*. To a transfer of any seeds of the plant *Cannabis sativa* L. to any person registered under section 3231.

(c) *Supply*. The Secretary shall cause suitable forms to be prepared for the purposes before mentioned and shall cause them to be distributed to collectors for sale. The price at which such forms shall be sold by said collectors shall be fixed by the Secretary, but shall not exceed 2 cents each. Whenever any collector shall sell any of such forms he shall cause the date of sale, the name and address of the proposed vendor, the name and address of the purchaser, and the amount of marihuana ordered to be plainly written or stamped thereon before delivering the same.

(d) *Preservation*. Each such order form sold by a collector shall be prepared by him and shall include an original and two copies, any one of which shall be admissible in evidence as an original. The original and one copy shall be given by the collector to the purchaser thereof. The original shall in turn be given by the purchaser thereof to any person who shall, in pursuance thereof, transfer marihuana to him and shall be preserved by such person for a period of two years so as to be readily accessible for inspection by any officer, agent, or employee mentioned in section 2595. The second copy shall be preserved in the records of the collector.

(e) *Exemption for certain transfers to millers*. Nothing in this section shall apply to a transfer of the plant *Cannabis sativa* L. or any parts thereof from any person registered under section 3231 to a person who is also registered under section 3231 as a taxpayer required to pay the tax imposed by section 3230 (a) (6). [Subsec. (e) added by sec. 10 (a), 60 Stat. 40; 26 U. S. C. 2591 (e)]

PAR. 10. Article 52 (§ 152.52) is amended by adding the following new subparagraph (6) (§ 152.52 (f)) at the end thereof:

§ 152.52 *When order forms not required*. \* \* \*

(f) For transfers of the plant *Cannabis sativa* L. or any parts thereof (including seeds of the plant) from any person registered under section 3231 of the Internal Revenue Code to a person who is also registered under section 3231 of said Code as a taxpayer required to pay the tax imposed by section 3230 (a) (6) of said Code.

PAR. 11. There is inserted immediately after Article 68 (§ 152.68) the following:

Date	Cannabis Sativa L. plants and parts		Disposed of		On hand			Remarks
	Received (lbs.)	Processed (lbs.)	Fiber (lbs.)	Fiber Products (lbs.)	Plants (lbs.)	Fiber (lbs.)	Products (lbs.)	

§ 152.68a *Transfer of the plant Cannabis sativa* L. Before making transfers of the plant *Cannabis sativa* L., the transferor must receive from the transferee a certificate of registration showing such person to be qualified under the act to acquire such plant. Certificates of registration will be issued by the collector for the district in which the transferee is registered, upon request of the transferee. Records covering receipt and disposition of such plant must be kept in the same manner as records of other transactions in marihuana (see § 152.74a)

PAR. 12. There is inserted immediately after Article 74 (§ 152.74) the following:

§ 152.74a *Returns required of millers*. Every person registered as a miller who receives *Cannabis sativa* L. plants or parts thereof for the purpose of manufacturing or producing any fiber or fiber products, shall render a quarterly return on Form 961, and its supplement, Form 961a. The return shall be submitted to the collector of internal revenue for the district on or before the 15th day of April, July, October, and January, for the quarterly periods ending March 31, June 30, September 30, and December 31, respectively. Each such return shall account for all *Cannabis sativa* L. plants or parts thereof on hand, purchased, or otherwise acquired, all manufacture or producing of fiber or fiber products, and all sales, exports, or other dispositions of such plants or parts thereof, or their products.

All marihuana yield of such *Cannabis sativa* L. plants or parts thereof (green or dried flowering tops, foliage and seed) shall be destroyed on the miller's premises, and each return shall bear a written statement of the approximate weight of marihuana, or the approximate weight of marihuana and other commingled plant waste material, destroyed during the quarterly period and the method of destruction.

PAR. 13. Immediately after Article 77 (§ 152.77) there is inserted the following:

§ 152.77a *Processing by millers*. Persons who have registered and paid the tax to process the *Cannabis sativa* L. plants and parts thereof, for the purpose of extracting any fiber or fiber products therefrom, are required to keep complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom. The Government does not furnish blanks for the keeping of this record, but it should be in a form substantially as follows:

PAR. 14. In order to provide ample opportunity to prospective millers of hemp to make the necessary dispositions looking toward availing themselves of the provisions of these amended regulations, in advance of the hemp planting season, it is found that it is unnecessary to make this Treasury decision subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act, approved June 11, 1946.

This Treasury decision shall be effective upon its filing for publication in the **FEDERAL REGISTER**.

(Secs. 2599 and 2600 of I. R. C. (53 Stat. 282, 283; 26 U. S. C. 2599, 2600))

[SEAL] GEO. J. SCHOENEMAN,  
Commissioner of Internal Revenue.  
WILL S. WOOD,  
Acting Commissioner of Narcotics.

Approved: January 7, 1949.

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 49-295; Filed, Jan. 12, 1949;  
8:49 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

CHANGES INCIDENT TO PUBLICATION OF  
CODE OF FEDERAL REGULATIONS, 1949  
EDITION

#### Correction

In Federal Register Document 48-11475, appearing on page 9497 of the issue for Friday, December 31, 1948, paragraph 9 should read as follows:

9. In § 211.4 paragraphs (b) and (c) are deleted and (d) (e) (f) and (g) are redesignated (b), (c), (d) and (e), respectively. The figure "6" in the first sentence of the paragraph redesignated (b) is changed to "5". The words "one copy to the Foreign Funds Control Section, Treasury Department" are deleted. The first sentence of the paragraph redesignated (c) is deleted.

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 34—CLASSIFICATION AND RATES OF POSTAGE

##### AIR MAIL

In § 34.88 *Postage rates for postal and post cards sent by air parcel post* (13 F. R. 8903), make the following changes:

1. Amend subdivisions (ii) and (iv) of paragraph (b) (5) to read as follows:

(ii) Between territories and possessions of the United States where the eighth zone is applicable.

(iv) Between United States or its Territories and possessions and overseas A. P. O.'s and Fleet Post Offices, as well as naval vessels addressed c/o Fleet Post Office, New York, New York, or San Francisco, California.

2. Amend paragraph (b) (8) to read as follows:

(8) *Forwarding or return.* Air mail weighing up to and including 8 ounces will be forwarded to the addressee by air when delivery will be expedited. No additional charge for postage will be made for such forwarding. Such matter when undeliverable will not be returned to sender via air but will be returned in the ordinary mails. Letters sent as ordinary mail may be forwarded by air upon prepayment of the difference between the postage originally paid thereon and the air-mail rate. Air parcel post undeliverable as addressed, whether prepaid at zone rate or 3 cents an ounce rate, is subject to forwarding and return postage. If it bears pledge to pay such postage without instructions as to whether by air or surface, it shall be sent by air, properly rated up. If sender requests forwarding or return by surface, it shall be rated and transmitted accordingly. This also applies to registered, insured, and c. o. d. matter sent via air parcel post, which is accepted with the understanding that forwarding and return postage is guaranteed. In case of other than registered, insured, and c. o. d. matter, if air parcels bear no pledge to pay forwarding or return postage, they should be held and sender notified with information as to amount required for both surface and air transportation.

3. Amend paragraph (b) (10) to read as follows:

(10) *Matter acceptable for air mail.* Any mailable matter except that liable to damage from freezing, not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined, may be accepted for transmission via air. The prohibition against matter liable to freeze does not include cut flowers, queen bees, or those harmless live animals enumerated in § 35.25 of this chapter, but day-old chicks, ducks, turkeys, geese, and guinea fowl, and honey-bees are prohibited.

4. Add paragraph (c) to read as follows:

(c) *Application of postage rates.* The rates of postage in this section apply to mail transported by air as follows:

(1) Within the continental United States, including Alaska.

(2) To or from the continental United States including Alaska, and (i) Hawaii, (ii) Puerto Rico, (iii) Virgin Islands of the United States, (iv) Canton Island, (v) Canal Zone, (vi) Guam, and (vii) any other place where the United States mail service is in operation.

(3) Within or between any of the Territories, etc., listed in subparagraph (2) of this paragraph.

(4) To or from members of the armed forces of the United States stationed outside the continental United States whose address includes an Army Post Office number or a Fleet Post Office designation; also to or from civilian personnel authorized to receive mail through such Army or Navy Post Offices.

5. Add paragraph (d) to read as follows:

(d) *Posting air mail.* In order to expedite dispatch air mail weighing 8 ounces or less should be deposited in a post office or station thereof or in such special letter boxes as are provided for the posting of air mail. Parcels weighing over 8 ounces intended for transportation via air may not be deposited in street corner collection boxes. They should be presented at the post office or a postal station for mailing.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 1, 62 Stat. 1037; 5 U. S. C. 22, 369, 39 U. S. C. 475)

[SEAL] J. M. DONALDSON,  
Postmaster General.

[F. R. Doc. 49-223; Filed, Jan. 12, 1949;  
8:46 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 316]

DEFINITION OF HOUSEHOLD TYPE  
REFRIGERATOR

#### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are pro-

posed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the **FEDERAL REGISTER**. The proposed regulations are to be issued under the au-

thority contained in section 3450 and 3791 of the Internal Revenue Code (53 Stat. 419, 467; 26 U. S. C. 3450, 3791)

[SEAL] GEO. J. SCHOENEMAN,  
Commissioner of Internal Revenue.

Regulations 46 (1940 Edition) (26 CFR, Part 316) relating to taxes on articles sold by the manufacturer, producer or importer are hereby amended as follows:

Section 316.70 (b) as added by Treasury Decision 5189, approved November

30, 1942, is further amended by striking therefrom "20 cubic feet" and inserting in lieu thereof "14 cubic feet"

The amendment made by this Treasury decision shall be applicable with respect to household type refrigerators sold on or after the date of filing of such Treasury decision with the Federal Register.

[F. R. Doc. 49-296; Filed, Jan. 12, 1949; 8:49 a. m.]

## DEPARTMENT OF AGRICULTURE

### Bureau of Entomology and Plant Quarantine

#### [ 7 CFR, Part 319 ]

#### NURSERY STOCK, PLANTS, AND SEEDS

##### SIZE-AGE LIMITATIONS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture of the United States pursuant to section 1 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. Sup. I 154) is considering amending § 319.37-18 of the regulations supplemental to Quarantine No. 37 relating to nursery stock, plants, and seeds (7 CFR § 319.37-18; 13 F. R. 4273) to read as follows:

§ 319.37-18 *Size-age limitations.* (a) Except as provided in this paragraph, all restricted trees and shrubs to be imported shall be limited to the youngest and smallest, normal, clean, and healthy plants which can be successfully freed from soil about their roots, transported to the United States, and established. The inspector may use as a maximum size criterion in enforcing this limitation the normal size of plants no more than three years of age when they have been grown from seeds or cuttings, or having no more than one year's growth after severance from the parent plant when produced by layers, or having no more than two seasons' growth from the bud or graft when they have been produced by budding or grafting except that the maximum size criterion for rhododendrons (including azalea) or other genera or species of similar slow growth habit shall be the normal size of plants having no more than three years' growth from the bud or graft. The size-age limitation shall not apply to naturally dwarf or miniature forms not exceeding 12 inches in height from the soil line nor to artificially dwarfed forms of the character popular in parts of the Orient. Whenever the importer makes a showing with his application for permit, satisfactory to the inspector responsible, that importation of a larger plant, such as, for example, a specimen plant, is necessary, and if in the opinion of the inspector such larger plant may be imported under conditions prescribed in the permit without added risk of pest entry, the inspector may authorize an exception to the limitation of this paragraph and shall specify the exception in the permit.

(b) Herbaceous perennials which are usually imported in the form of root

crowns or clumps shall be limited to one-year-old plants produced from single propagating units, or, when consisting of divided clump material, such as Astilbe, to divisions comparable to one-year-old plants produced from single propagating units.

(c) Whenever the Chief of Bureau shall find that plants of any kinds, classes, or growth habit, when limited in size and age as set forth in paragraphs (a) and (b) of this section, are too young and small successfully to be freed of soil, transported, and established in the United States, he may set forth in administrative instructions other criteria for the size-age limitation of such plants.

(d) Except as provided in this paragraph, only seeds may be imported in the case of forest trees, species of any plants used for understocks, and woody ornamental plants that are botanical species or botanical varieties and which grow true from seed. The inspector responsible may issue a permit authorizing in advance the importation of plants rather than seeds of such species and varieties specified in this paragraph whenever the importer makes a showing with his application for permit, satisfactory to the inspector, that the plants desired cannot be produced from seed because either (1) they are variations which are reproduced by vegetative means only or (2) it is impossible or impracticable to import viable seed.

(e) Restricted plant material arriving in the United States contrary to any limitation provided in this section may be refused entry.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 1, 37 Stat. 315, as amended; 7 U. S. C. Sup. I 154)

Done at Washington, D. C., this 10th day of January 1949.

[SEAL] A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 49-302; Filed, Jan. 12, 1949; 8:50 a. m.]

## Production and Marketing Administration

#### [ 7 CFR, Part 904 ]

#### HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

##### NOTICE OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDMENTS

Notice is hereby given that pursuant to authority contained in Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, a public meeting will be held at Room 403, 230 Congress Street, Boston, Massachusetts, on January 14, 1949, at 10 a. m., to consider pro-

posed amendments to the rules and regulations (12 F. R. 4983) issued by the market administrator to effectuate the terms and provisions of the order. All persons who desire to submit oral data, views, or arguments in connection with the proposed amendments will be given an opportunity to do so at the meeting. All persons who desire to submit written data, views, or arguments in connection with the proposed amendments shall submit them to the market administrator at Room 403, 230 Congress Street, Boston, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., January 17, 1949.

The market administrator proposes the following amendments to the aforesaid rules and regulations. All references to provisions of Order No. 4 are related to Order No. 4 as amended. (12 F. R. 4921, 6426, 8667; 13 F. R. 1639, 9293)

1. Delete § 904.102 and substitute the following:

§ 904.102 *Milk handled for pasteurizing or bottling.* The status and the payment obligations, under the order, of a handler or dealer who pasteurizes or bottles milk for another handler or dealer, without acquiring it for marketing, shall not change because of the handling of the milk. Similarly, there shall be no change in the status and the payment obligations of the handler or dealer for whom the pasteurizing or bottling service is performed. However, handlers involved in such service transactions shall include in their reports to the market administrator information regarding the quantities so handled.

2. In § 904.103 (c)- add "condensed buttermilk" to the list of milk products and delete the parenthetical phrase "(unless found to be flavored milk)" which now appears after "eggnog."

3. Delete § 904.103 (e) and substitute the following:

"(e) *Inventories.* All milk products on hand at any plant at the close of the month may be classified tentatively as Class II milk. Final classification shall be made when disposition of the milk products takes place.

4. In § 904.104 (c) delete the last sentence of subparagraph (1) and of subparagraph (2)

5. Delete § 904.105 (a) and substitute the following:

(a) *Application of this section.* The provisions of this section shall apply in determining the quantity of butterfat subject to the butter and cheese adjustment provided in § 904.7 (e) As used in this section, the term "Cheddar-type cheese" shall mean Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or partskim Cheddar cheese; and the term "salted butter" shall mean butter which contains not less than 1.5 percent of salt by weight. The definitions and standards of identity issued by the Food and Drug Administration of the Federal Security Agency, insofar as they are applicable, shall govern in determining whether a given product is Cheddar-type cheese or butter.

6. In § 904.107 (b) (4) change the reference from § 904.7 (d) of the order to § 904.7 (e) of the order.

7. Delete § 904.107 (b) (5).

8. In § 904.107 (c) (2) delete the phrase "including receipts from segregated dairy farmers"

Issued at Boston, Massachusetts, this 7th day of January 1949.

[SEAL]

RICHARD D. APLIN,  
Market Administrator.

[F. R. Doc. 49-301; Filed, Jan. 12, 1949;  
8:50 a. m.]

## [7 CFR, Part 971]

[Docket No. AO-175-A-7]

### HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MILK MARKETING AREA

#### NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at the Y. W. C. A., corner of Third and Wilkinson Streets, Dayton, Ohio, beginning at 10:00 a. m., e. s. t., January 17, 1949, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area (10 F. R. 6162, 11 F. R. 6901, 11 F. R. 9423, 12 F. R. 5995, 13 F. R. 2329, 13 F. R. 7800). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth:

The following amendments have been proposed by The Miami Valley Cooperative Milk Producers Association, Inc..

1. Proposal No. 1: Add at the end of § 971.1 (e) the following sentence: "Grade A Producer means any producer so certified by the appropriate health authority in the marketing area."

Add at the end of § 971.4 (e) (10) the following sentence: "Allocate skim milk and butterfat, respectively, received from 'Grade A' producers to the highest remaining classifications, and skim milk and butterfat, respectively, received from other than 'Grade A' producers to the lowest remaining classifications."

Add as § 971.5 (b) (4)

(4) An additional price of \$0.35 per hundredweight shall be paid by handlers for skim milk and butterfat received from 'Grade A' producers which has been allocated to Class I.

Add as § 971.5 (c) (4)

(4) An additional price of \$0.35 per hundredweight shall be paid by handlers for skim milk and butterfat received from "Grade A" producers which has been allocated to Class II.

Insert in § 971.7 (c) (1) the following phrase after the word "Butterfat": "(excepting the additional values computed per § 971.5 (b) (4) and § 971.5 (c) (4) for skim milk and butterfat received from 'Grade A' producers)"

Add to § 971.7 (c) the following subparagraph:

(7) To the uniform price computed per § 971.7 (c) (6) add an amount computed (to the nearest cent per hundredweight) by dividing the total of the amounts added with respect to milk received from "Grade A" producers pursuant to § 971.5 (b) (4) and § 971.5 (c) (4) by the total hundredweight of milk received from "Grade A" producers. The result shall be known as the "Grade A Uniform Price" per hundredweight for milk of 3.5 percent butterfat content.

2. Proposal No. 2: Add at the end of each § 971.5 (b) (1) and § 971.5 (c) (1) the following additional proviso:

*Provided further*, That such price for any of the months of October, November, and December shall not be less than such price for the preceding month: *Provided further*, That such price for each of the months of January, February and March shall not be less than such price for the preceding month minus \$0.22.

3. Proposal No. 3: In § 971.11 (a) (1), delete the words "one-half cent" and substitute therefor the words "three cents".

The following amendments have been proposed by the Dayton handlers:

4. Proposal No. 4: Amend § 971.4 (b) (3) by adding after the words "cottage cheese" the words "or other manufactured food product"

5. Proposal No. 5: Amend § 971.5 (a) by striking therefrom the word "highest" and inserting in lieu thereof the word "average". By striking therefrom the word "or" appearing in the next to last line thereof and appearing after the figure "(2)" and before the figure "(3)" and inserting in lieu thereof the word "and"

6. Proposal No. 6: Amend § 971.5 (d) to read as follows:

(1) The price per hundredweight of such Class III milk shall be computed by the market administrator by taking the average of the basic or field prices (before any premiums) ascertained to have been paid for milk of 3.5 per cent butterfat content received during the month at the following places for which prices are reported to the market administrator by the companies listed below or by the Department of Agriculture:

Nestles Milk Products Co., Inc. (uninspected price); Greenville, Ohio.

Nestles Milk Products Co., Inc. (uninspected price); Marysville, Ohio.

Westerville Creamery Co. (uninspected price); Covington, Ohio.

Cudahy Packing Co. (uninspected price); Washington Courthouse, Ohio.

*Provided, however*, That for the calendar months of October, November, December, January and February of each calendar year, said price for Class III milk shall be such average price hereinabove provided for in this subparagraph plus 20¢ per hundredweight.

(2) The price per hundredweight of such butterfat shall be computed by the market administrator by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each month by 115: *Provided*, That the price per hundredweight of such butterfat made into butter shall be computed by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each month by 115 and subtracting \$5.00 from the result.

(3) The price per hundredweight of Class III skim milk shall be computed by (i) multiplying the price for butterfat computed pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the price computed pursuant to subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

7. Proposal No. 7: Amend § 971.7 (c) to read as follows:

(c) For each month the market administrator shall compute the Dayton and the Springfield areas separately, with respect to milk received by handlers from producers and from aggregations of producers, a uniform price per hundredweight by (subparagraphs 1, 2, 3, 4, 5 and 6 thereof to remain as now written).

8. Proposal No. 8: Amend § 971.7 (e) (2) by adding the words "for each market separately" after the words "uniform price"

By the Dairy Branch, Production and Marketing Administration:

9. Proposal No. 9: Delete § 971.1 (1) and substitute therefor the following:

(1) "Delivery period" means the calendar month or the total portion of the calendar month during which the provisions of this order or of any amendment thereto are in effect.

10. Proposal No. 10: Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement and order, as amended, now in effect may be procured from the Market Administrator, 434 Third National Bank Building, Dayton, Ohio, or from the Hearing Clerk, Room 1844, United States Department of Agriculture, South Building, Washington 25, D. C., or may be there inspected.

Dated: January 7, 1949.

[SEAL]

JOHN I. THOMPSON,  
Assistant Administrator.

[F. R. Doc. 49-288; Filed, Jan. 12, 1949;  
8:46 a. m.]



## [ 7 CFR, Part 972 ]

HANDLING OF MILK IN TRI-STATE  
MARKETING AREADECISION WITH RESPECT TO A PROPOSED  
MARKETING AGREEMENT AND A PROPOSED  
AMENDMENT TO ORDER AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904) a public hearing was held at Huntington, West Virginia, on May 12 and 13, 1948, after the issuance of a notice of hearing duly published in the FEDERAL REGISTER (13 F. R. 1308, 1941, 2232)

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on October 28, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER (13 F. R. 6445)

Exceptions were filed on behalf of the Scioto County Cooperative Milk Producers Association, the Athens Milk Sales, Inc., The Marietta Cooperative Milk Producers Association, and the Huntington Interstate Milk Producers Association. These exceptions have been considered and appropriate revisions made. To the extent to which the findings and conclusions of the recommended decision, as hereinafter modified, are at variance with the exceptions, such exceptions are hereby overruled.

The material issue and the findings and conclusions of the recommended decision, including the determination that the proposed formula should not be adopted (F. R. Doc. 48-9619, 13 F. R. 6445) are hereby approved and adopted as the material issue and the findings and conclusions of this decision as if set forth in full herein, subject to the following amendments:

1. Delete the first sentence of the third paragraph beginning in column 2, 13 F. R. 6445 (F. R. Doc. 48-9619) and substitute therefor the following: "The proposed formula price to be computed for the current month is designed to adjust the average condensery price for a base period to reflect changes from such base period to the current month in certain economic factors (prices of feeds, farm wages, the wholesale price level, retail store sales, and prices of alternate users of feeds, such as beef cattle, hogs, sheep, and poultry) A further adjustment is provided to give seasonal character to the resulting monthly price."

2. Add the following paragraph immediately after line 39, 13 F. R. 6446 (F. R. Doc. 48-9619)

In view of the findings made herein below with respect to the more general aspects of the proposed formula, it has not been considered necessary to ap-

praise in detail the evidence relating to its statistical basis.

3. Delete the first two sentences of the paragraph beginning on line 45, column 1, 13 F. R. 6446 (F. R. Doc. 48-9619) and substitute therefor the following: "The particular significance of the proposed formula is in the fact that the calculated price for the current month is the result of an automatic "correction" of condensery prices for changes in the specified economic factors from their base, i. e., the average of the most recent 60-month period. The adjustment is applied to the average condensery price for the 60-month base period and, prior to further adjustment for seasonality, produces a price for the current month which bears the same relationship to the average condensery price for the base period as may be shown for the economic factors between the current month and the base period."

4. Delete the sentence which begins on line 29, column 2, 13 F. R. 6446 (F. R. Doc. 48-9619) and substitute therefor the following: "The theory advanced is that adequate milk supplies may be obtained for the indefinite future by keeping the "basic" price for the current month in the same relationship to the condensery price of the preceding 60 months as prevailed for the specified economic factors between the current month and the preceding 60-month period."

5. Delete the sentence which begins on line 1, column 3, 13 F. R. 6446 (F. R. Doc. 48-9619)

6. Delete the third sentence of the second paragraph beginning in column 3, 13 F. R. 6446 (F. R. Doc. 48-9619) and substitute therefor the following: "Although price 'floors' were placed in the order for a six-month period as a guarantee of certain minimum price levels, Class I and Class II prices resulting from the order formulas remained above the floor levels except for two months when 'floor' prices were higher than formula prices by 5.2 and 8.5 cents per hundred-weight."

7. Delete the sentence which begins on line 14, column 1, 13 F. R. 6447 (F. R. Doc. 48-9619)

8. Delete the last sentence of the second paragraph beginning in column 1, 13 F. R. 6447 (F. R. Doc. 48-9619) and substitute therefor the following: "Both the assertion that condensery prices have been subject to manipulation and the contention that the proposed formula would eliminate any influence of manipulation in condensery prices in the fixing of market prices lack material support in the record."

9. Delete the last sentence of the third paragraph beginning in column 1, 13 F. R. 6447 (F. R. Doc. 48-9619) and substitute therefor the following: "The proposed formula, on the other hand, goes beyond the function assigned to the formulas now in effect by introducing adjustments for certain economic factors (some of which are local cost factors) and by establishing the calculated 'basic' price according to relationships extending into a past period. It constitutes, therefore, a completely new and different pricing base. Use of the two price bases as alternates to each other in the

manner proposed would not be appropriate since they are designed for different purposes."

It is hereby ordered that this decision be published in the FEDERAL REGISTER. This decision filed at Washington, D. C., this 10th day of January 1949.

[SEAL] " A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 49-305; Filed, Jan. 12, 1949;  
8:51 a. m.]

## [ 7 CFR, Part 987 ]

## IRISH POTATOES GROWN IN MAINE

EXEMPTION CERTIFICATES AND CERTIFICATES  
OF PRIVILEGE

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), that the Secretary of Agriculture is considering the approval of the rules, regulations, and determinations hereinafter set forth which were recommended by the State of Maine Potato Committee, established under Marketing Agreement No. 108 and Order No. 87 (13 F. R. 5549) regulating the handling of Irish potatoes grown in the State of Maine, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

Consideration will be given to any data, views, or arguments pertaining thereto and mailed in triplicate, to the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., so as to be received by him not later than 15 days after the publication of this notice in the FEDERAL REGISTER.

The proposed rules, regulations, and determinations are as follows:

Sec.  
987.101 Definitions.  
987.102 Area determinations.  
987.103 Exemption certificates.  
987.104 Certificates of privilege.

AUTHORITY: §§ 987.101 to 987.104 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 248; 61 Stat. 202, 707; 7 U. S. C. and Sup. 601 et seq.)

§ 987.101 *Definitions.* (a) For the purposes of §§ 987.101, 987.102, 987.103, and 987.104, "agreement" means Marketing Agreement No. 108 and "order" means Order No. 87 (13 F. R. 5549) regulating the handling of Irish potatoes grown in the State of Maine, and the terms used in such sections shall have the same meaning as set forth in said agreement and order.

(b) "Manager" for the purposes of the aforesaid sections, means the manager employed by the State of Maine Potato Committee.

§ 987.102 *Area determinations.* The State of Maine Potato Committee determines, pursuant to § 987.4 (e), for the fiscal year ending June 30, 1948, that:

(a) "Immediate production area" is the State of Maine; and

(b) "Immediate shipping area" is the State of Maine.

§ 987.103 *Exemption certificates—(a) Committee determinations.* Pursuant to



§ 987.4 (e) the committee shall, not later than the effective date of regulations issued for the then current year pursuant to §§ 987.4 and 987.6 of the marketing agreement and order, make determinations with respect to:

(1) Immediate production area, including (i) the delineation of immediate production area or areas, and (ii) the average proportion of the crop in each such immediate production area which may be shipped under such regulations by all producers therein; and

(2) Immediate shipping area, including (i) delineation of immediate shipping area or areas, and (ii) the average proportion of ungraded storage holdings in each such immediate shipping area which may be shipped under such regulations by all handlers therein.

As regulations are changed during the course of a marketing season, appropriate modifications of such determinations shall be made by the committee. The committee in making such determinations shall provide a practical basis for delineation of such area or areas by giving due consideration to each of the following:

(1) The grade, size, and quality of the potato crop produced in the production area, in each district thereof, and in such other subdivisions or portions thereof as the committee may deem reasonable and practical for efficient administration of the marketing agreement and order;

(2) Seasonal changes and factors affecting the grade, size, and quality of potatoes within the production area, in each district thereof, and in such other subdivisions or portions thereof as the committee may deem reasonable and practical for efficient administration of the marketing agreement and order;

(3) The establishment of specific boundaries to each such area, or areas, with specific consideration for natural geographic features, governmental subdivisions, and such other pertinent factors as the committee deems appropriate to establish equitable standards for such determinations;

(4) The affording of equitable treatment, under current regulations, to all growers in the determination of immediate production areas, and to all handlers with respect to immediate shipping areas; and

(5) Other relevant factors.

(b) *Application.* Any producer or handler applying for exemption from grade and size regulations issued under said marketing agreement and order shall make application for such exemption to the State of Maine Potato Committee, Presque Isle, Maine, on forms to be furnished by the committee. Such application shall state:

(1) The name and address of the applicant for exemption;

(2) The location and estimated quantity of each lot of each applicant's potatoes;

(3) The grade, size, or quality regulation from which exemption is requested;

(4) The total crop of potatoes produced by the applicant, and the total amount of potatoes purchased and stored by such applicant;

(5) Date of purchase of each lot of potatoes purchased and stored by the applicant;

(6) The quantity of potatoes sold during the current marketing season by the applicant from (i) the total crop grown by the applicant and (ii) the total quantity purchased and stored by such applicant;

(7) The composition, by grade and size, of the remaining holdings of the applicant as evidenced by a Federal-State Inspection Certificate attached to said application;

(8) A statement of the reasons causing the potatoes, for which exemption is requested, to fail to meet grade, size, or quality regulations;

(9) A statement showing that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond such applicant's reasonable expectation in the normal conduct of the business of potato production or of potato storage operations in the area;

(10) Such additional information as the committee may find necessary in making a determination regarding the granting of a certificate of exemption.

(c) *Issuance of certificate.* The State of Maine Potato Committee shall give prompt consideration to all statements and facts relating to each application for exemption and shall determine from such statements and facts, and from the applicable terms of the marketing agreement and order, whether or not the application is approved. The determination, if favorable, shall be evidenced by the issuance of a certificate of exemption pursuant to § 987.4 (e). If the applicant's request for exemption is denied, he shall be so notified in writing.

Each certificate of exemption issued as provided herein shall contain the name and address of the applicant; the location of all potatoes remaining to be shipped; the total quantity of potatoes which may be shipped under the certificate of exemption; and the exceptions from the grade or size regulations which will be permitted in the exempted shipments.

Certificates of exemption issued to growers shall be transferred in whole or in part with such potatoes at the time of sale. The grower shall notify the committee within 2 days following such transfer and shall state the name and address of the person to whom the potatoes were sold, quantity sold, date of transfer, and such other information as may be requested by the committee.

Handlers shall report to the committee each shipment of potatoes made under a certificate of exemption. Such handlers shall supply such other information to the committee or to the Federal-State Inspection Service as the committee finds necessary to keep the shipments within the quantity and terms specified on the certificate of exemption.

(d) *Appeal procedure.* Appeals from determinations of the committee pursuant hereto shall be submitted to the committee, pursuant to § 987.4 (e) (5) within ten days after receipt of the determination by an applicant for exemption.

§ 987.104 *Certificates of privilege—*

(a) *Application.* (1) Pursuant to the

provisions of § 987.6 and when shipments for the following purposes are not subject to regulation pursuant to § 987.4 of the marketing agreement and order, all handlers desiring to make shipments of potatoes for export, shipments of potatoes for distribution by relief agencies or for consumption by charitable institutions, shipments of potatoes for the purpose of having such potatoes manufactured or converted into non-food products, shipments of potatoes for livestock feed, or shipments of seed potatoes, shall first apply to the committee for and obtain a Certificate or Certificates of Privilege permitting the proposed shipments.

(2) Applications for Certificates of Privilege shall be made on a form furnished by the committee. Such applications, except those pertaining to shipments of seed potatoes, shall contain the name and address of the handler, the estimated amount of potatoes to be shipped, the grades and sizes of potatoes to be shipped, name of consignee, destination, proof of contract, and such other information as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

(3) Applications pertaining to shipments of seed potatoes shall contain the name and address of the handler, the estimated amount of seed potatoes to be shipped, and such other information as the committee may require in safeguarding against the entry of such potatoes into table stock channels. The said handler shall agree to ship such potatoes only for the purpose specified on the Certificate or Certificates of Privilege.

(b) *Shipments of seed potatoes.* Each handler of seed potatoes, when shipments of seed potatoes are not subject to regulation pursuant to § 987.4 of the marketing agreement and order, shall ship such potatoes only under a Certificate of Privilege and shall furnish or cause to be furnished through the Bureau of Plant Industry of the State of Maine a short form certificate for each shipment which shall contain the name and address of the shipper, car or truck number, quantity shipped, variety, and destination. Each such certificate shall be treated as confidential, and the information thereon shall be divulged only to those persons so authorized by the committee. All such shipments pursuant hereto shall be subject to assessment pursuant to § 987.201.

(c) *Commercial shipments other than seed potatoes.* Each handler shipping potatoes (other than certified seed) for any purpose set forth in § 987.104 (a) hereof or for canning, shall supply the manager with a weekly report of shipments which did not meet the grade and size regulations in effect at the time of shipment. Such report shall state: name and address of the shipper, rail car number, Federal-State Inspection Certificate number, loading point, destination, and consignee. Such reports shall be treated as confidential, and the information thereon shall be divulged only to those persons so authorized by the committee. All such shipments pursuant to this sub-

section, except for canning, shall be inspected by the Federal-State Inspection Service and shall be subject to assessment pursuant to § 987.201.

(d) *Government purchases.* All shipments of potatoes purchased by the Commodity Credit Corporation in accordance with the provisions of the price support program and billed by or at the direction of the U. S. Department of Agriculture shall be subject to inspection by the Federal-State Inspection Service and to assessment pursuant to § 987.201, but are not otherwise subject to the requirements for a Certificate of Privilege.

Done at Washington, D. C., this 7th day of January 1949.

[SEAL] FLOYD F. HEDLUND,  
Acting Director,  
Fruit and Vegetable Branch.

[F. R. Doc. 49-300; Filed, Jan. 12, 1949;  
8:50 a. m.]

## DEPARTMENT OF LABOR

### Division of Public Contracts

#### [ 41 CFR, Part 202 ]

#### PREVAILING MINIMUM WAGE DETERMINATION FOR FLINT GLASS INDUSTRY

##### NOTICE OF HEARING ON PROPOSED AMENDMENT

The Secretary of Labor, in a prevailing minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act, Act of June 30, 1936 (49 Stat. 2036; 41 U. S. C., secs. 35-45) and dated June 27, 1938 (41 CFR, Cum. Supp., 202.18) determined that the minimum wage for persons engaged in the performance of contracts with agencies of the United States subject to the act for the manufacture or supply of the products of the flint glass industry was 42½ cents an hour or \$17 for a week of 40 hours, arrived at either upon a time- or piece-work basis.

The American Flint Glass Workers' Union of North America has requested that the determination for the flint glass industry be reconsidered and that a minimum wage rate of at least 90 cents an hour be found to be the prevailing minimum wage in the industry.

It is proposed, in conjunction with a reconsideration of the prevailing minimum wage for the industry, to redesignate the industry as the pressed and blown glass and glassware industry, and to define the industry as follows:

The pressed and blown glass and glassware industry is that industry which manufactures pressed and blown glass and glassware, including, but not limited to, tumblers and other glass table and ornamental ware; glass blanks for electric light bulbs and electronic apparatus; glass shades and reflectors, and other illuminating glassware; smokers' glass accessories; glass rod and tubing, and other technical, scientific, and industrial pressed and blown glassware; glass oven, cooking, and kitchen ware; glass brick; glass insulators; glass parts for vacuum ware; fiberglass and foamglass products except tapes and other woven fabrics; and goggle lenses, nonprescription lenses and signal lenses.

Expressly excluded from the scope of the definition are window, plate and rolled glass; commercial glass containers (including prescription ware) for commercial packing and bottling, and for home canning; and chemical and other laboratory apparatus in which glass is assembled in combination with other materials.

Now, therefore, notice is hereby given that a public hearing will be held on February 9, 1949 at 10:00 a. m. in Room 1214, Department of Labor Building, Fourteenth and Constitution Avenue, Northwest, Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and offer testimony: (1) As to what is the prevailing minimum wage in the pressed and blown glass and glassware industry; (2) as to whether there should be included in any amended determination for this industry provision for the employment of learners at a subminimum rate, and, if so, in what occupations, at what subminimum rates, and with what limitations as to length of the learning period and the number or proportion of learners; and (3) as to the proposed definition of the industry.

Any interested person may appear at the hearing to offer evidence, provided that not later than February 2, 1949, such person shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., a notice of intention to appear containing the following information:

1. The name and address of the person appearing;
2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing; and
3. The purpose for which he is appearing.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt.

Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

A copy of a tabulation by the Bureau of Labor Statistics showing wages paid in the industry as of January 1947, which will serve as a basis of discussion, is on file in the Wage and Hour and Public Contracts Divisions in Washington, D. C., and will be made available to interested persons upon request. Interested persons are invited to submit data as to changes which have taken place in the wage structure of the industry since that time.

Signed at Washington, D. C., this 10th day of January 1949.

WM. R. McCOMB,  
Administrator Wage and Hour  
and Public Contracts Divisions.

[F. R. Doc. 49-318; Filed, Jan. 12, 1949;  
8:59 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR, Part 228 ]

#### FREE TRAVEL FOR POSTAL EMPLOYEES

##### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration amending the provisions of § 228.1 of the Economic Regulations (14 CFR 228.1, as amended) which cover eligibility of agents or officers of the Post Office Department and Post Office inspectors for free travel by air while traveling on official business relating to the transportation of mail by aircraft.

The purpose of this amendment is (a) to provide a more workable basis for designating the Post Office employees eligible to travel by air free of charge upon presentation of appropriate credentials and transportation requests; (b) to make it the duty of the Postmaster General to provide for accrediting such employees through issuance of credentials, preparation of transportation request forms and promulgation of rules and regulations pertaining to travel on official business relating to the transportation of mail.

The proposed amendment is set forth in the attached proposed rule.

The amendment is proposed under authority of sec. 205 (a), sec. 405 (m), and sec. 407 (a) of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 994; 49 U. S. C. 425 (a) 485 (m), 487).

Interested persons may participate in the proposed rule making by the submission of written data, views or argument pertaining thereto, in duplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before February 15, 1949, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

It is proposed to amend § 228.1 of the Economic Regulations (14 CFR 228.1), *Free travel for postal employees*, by amending the entire section to read as follows:

§ 228.1 *Free travel for postal employees*—(a) *Postal employees to be carried free.* Every air carrier carrying the mails shall carry, on any plane that it operates and without charge therefor, the persons in charge of the mails when on duty, and the following officers, agents, and inspectors of the Post Office Department, when such persons are traveling on official business relating to the transportation of mail by aircraft and are duly accredited as hereinafter provided:

- (1) The Postmaster General.
- (2) The Executive Assistant to the Postmaster General.

(3) The Third Assistant Postmaster General; the Fourth Assistant Postmaster General; the Assistant Postmaster General who at the time is charged with the duty of the general management of post offices; the Assistant Postmaster General, who at the time is assigned the supervision of Air Postal

Transport, his Confidential Assistant, his Under Second Assistant, and his four Deputy Second Assistants; the Administrative Officer, Air Postal Transport; the Solicitor of the Post Office Department and the Assistant Solicitor, and any attorney in the Office of the Solicitor who at the time is assigned by the Solicitor to handle matters relating to the transportation of mail by aircraft; the Chief Inspector and the Assistant Chief Inspector.

(4) The Director of Domestic Air Postal Transport and the Director of Foreign Air Postal Transport.

(5) The five Regional Superintendents; and the five Assistant Regional Superintendents, Air Postal Transport, located respectively at New York, N. Y., Chicago, Ill., San Francisco, Calif., Atlanta, Ga., and Fort Worth, Tex., the Regional Superintendents and Assistant Regional Superintendents at Large, Air Postal Transport.

(6) The Superintendent, Thirteenth Division, Railway Mail Service, located at Seattle, Wash., and the Chief Clerk and Assistant Chief Clerk, Railway Mail Service, located at Anchorage, Alaska, when traveling between Seattle, Wash., and Alaska or within Alaska on official business relating to the transportation

of mail by aircraft to, from, and within Alaska.

(7) Any Inspector of the Post Office Department.

(8) Any additional agent or officer of the Post Office Department designated by the Postmaster General.

(b) *Credentials required.* (1) Any person described in paragraphs (a) (1) to (a) (6) of this section shall be deemed to be duly accredited upon exhibition of a certificate of the Postmaster General that the bearer is one of the persons so described and is entitled to free transportation when traveling on official business relating to the transportation of mail by aircraft, and bearing the signature of the person so described.

(2) Any person described in paragraphs (a) (7) and (8) of this section shall be deemed to be duly accredited upon exhibition of proper credentials evidencing that he is an inspector, officer, employee, or agent of the Post Office Department, and upon presentation of a "Request for Free Transportation by Air" (on such form as the Post Office Department may prescribe) executed by him in triplicate and stating:

(i) The points from and to which the person is to be furnished free transportation;

(ii) The tariff fare for the transportation requested, and

(iii) The official position of the traveler and that such travel is on official business relating to the transportation of mail by aircraft.

(c) *Requests to be filed.* Each air carrier on or before the 20th day of each month shall forward one copy of every "Request for Free Transportation by Air" accepted by it during the preceding calendar month, to the Secretary, Civil Aeronautics Board, Washington 25, D. C., and one copy to the Deputy Second Assistant Postmaster General, Post Office Department, Washington, D. C.<sup>1</sup>

(d) *Issuance of credentials and transportation request forms by Post Office Department.* With regard to free air travel by the persons described in paragraph (a) of this section, the Postmaster General shall be responsible (1) for the issuance of proper credentials, (2) for prescribing proper transportation request forms where required, and (3) for authorizing such travel, subject to such rules and regulations as he may prescribe.

[F. R. Doc. 49-234; Filed, Jan. 12, 1949; 8:48 a. m.]

## NOTICES

### NATIONAL MILITARY ESTABLISHMENT

#### Department of the Army

#### MILITARY GOVERNMENT FOR GERMANY (U. S.)

#### MONETARY REGULATIONS

The regulations of the Military Government for Germany (U. S.) Part 3, are amended by addition of new sections 3.104f, 3.104g, 3.106a, 3.106b, 3.109d, 3.109e, 3.109f, 3.109g, and 3.109h, as follows:

SEC. 3.104f. *Regulation No. 9 under Military Government Law No. 61.* In exercise of powers conferred by Article XXIV of the First Law for Monetary Reform (Currency Law (sec. 3.101 (f) (7) of this part) the Allied Bank Commission hereby orders as follows:

(a) The postage stamps mentioned in paragraph 1 (ii) of Article 2 of Regulation No. 1 (sec. 3.102 (b) (1) (ii) of this part) implementing and supplementing Law No. 61 (Currency Law) cease to be current the day after the promulgation of this regulation.

(b) The postage stamps mentioned in paragraph 1 (iii) of Article 2 (sec. 3.102 (b) (1) (iii) of this part) which have been withdrawn from circulation by the Hauptverwaltung für das Post- und Fernmeldewesen des Vereinigten Wirtschaftsgebietes with effect from June 22, 1948 at 2400 hours shall be regarded as having ceased to be current as from June 22, 1948 at 2400 hours.

(c) The German text of this regulation is the official text.

(d) This regulation becomes effective on the date of its promulgation. (September 8, 1948) By order of the Allied Bank Commission.

SEC. 3.104g. *Regulation No. 10 under the Currency Law (Mil. Govt. Law 61)—(Regulation concerning subsequent payment of quota per capita).* Pursuant to Article XXIV of the First Law for Monetary Reform (Currency Reform) (sec. 3.101 (f) (7) of this part) it is hereby ordered:

(a) *Article 1.* (1) The Landeszentralbanken are authorized to pay the first and second instalment of the quota per capita (Article 6 of the Currency Law) (sec. 3.101 (b) (1) of this part) subsequently to those residents of the specified area (subparagraph (2) below) who, without a fault of theirs, of their legal representatives or of their mandatory, have not received the quota per capita up till now; however, this will apply only if neither the person entitled nor any member of his family (Article 8, par. 3 of the Regulation No. 8 under the Currency Law) (sec. 3.104e (c) (5) (iii) of this part) has, by use of Form A, surrendered old currency notes or reported old currency credit balances.

(2) Inhabitants of the specified area in the meaning of subparagraph (1) is any person who, at the time when the application is received by the Landeszentralbank, has his residence or used to stay in the specified area and

(i) Who had residence or used to stay in the specified area also already before June 2, 1948, or

(ii) Who, prior to June 2, 1948, arrived in the specified area in order to establish his residence there.

(3) The applicant has to establish a strong evidence of the conditions specified in subparagraphs (1) and (2) of this paragraph. To this end he has to prove, in particular,

(i) By presentation of the Identity Card (Personalausweis) and by affirming as if under oath: that neither he nor any member of his family has, by use of Form A, surrendered or reported old currency.

(ii) By a certificate issued by the food ration card office competent for him: that he did not receive the first instalment of the quota per capita from a ration card office.

(4) The food ration card office may issue the certificate specified in subparagraph (3) (ii) of this paragraph only if it appears from its records evidencing the disbursement of the quota per capita that the person entitled did not receive the quota per capita. In case the person entitled was recorded in the ration card office as temporarily absent on June 20, 1948, the ration card office may issue such certificate only if the travel certificate (Reiseabmeldung or G-certificate) issued to the person entitled and, in appropriate cases, to be produced by him has not been punched. Where the person entitled has been recorded only after June 26, 1948, in the ration card office now competent for the current supply of food ration cards to him, such ration card office has to obtain, if necessary, a respective information from the

<sup>1</sup>The third copy shall be preserved by the air carrier in its records in compliance with the requirements of these regulations. See: § 202.3 (d) item 48-B and such amendments thereof as may be adopted from time to time.

ration card office previously competent for the person entitled.

(5) The Landeszentralbank may pay the quota per capita only in exchange for old currency notes; for every Deutsche Mark of the quota per capita one Reichsmark is to be surrendered.

(b) *Article 2.* (1) The Landeszentralbanken are authorized, in addition, to pay the second instalment of the quota per capita (remaining balance) subsequently to those persons who under the provisions of the Currency Law and of Regulation No. 8 under the Currency Law would have been entitled to take up the balance amount with a ration card office, but did not receive it either owing to a fault of the ration card office or because they were not in position—without a fault of theirs, of their legal representatives or of their mandatories—to produce the documents required until September 30, 1948.

(2) The applicant has to establish a strong evidence of the conditions specified in subparagraph (1) and especially to prove, by a certificate of the ration card office which pursuant to Regulation No. 8 under the Currency Law was competent for the payment of the balance amount, that the documents required have been produced. The Landeszentralbank may demand that these documents be submitted to it.

(c) *Article 3.* In the cases of paragraphs (a) and (b) of this section, that Landeszentralbank is competent in the business area of which the person entitled has his residence or used to stay. If in the case of paragraph (b) of this section the person entitled is no longer in the specified area, that Landeszentralbank is competent in the business area of which he has his residence or used to stay. For seamen, inland boatsmen and holders of a personal travel card, that Landeszentralbank is competent in the business area of which they stay at the time when they file their applications.

(d) *Article 4.* The Landeszentralbanken have to destroy the old currency notes surrendered pursuant to paragraph (a) (5) of this section and to draw up a pertinent record.

(e) *Article 5.* The subsequent payment of the quota per capita shall be admitted until December 31, 1948.

(f) *Article 6.* The German text of this regulation is the official text.

(g) *Article 7.* This regulation becomes effective on November 15, 1948. By order of the Allied Bank Commission.

*Sec. 3.106a. Law No. 65, Fourth Law for Monetary Reform (Supplementary Conversion Law)*—(a) *Article 1.* Amounts credited to a blocked Deutsche Mark account (Festkonto) in pursuance of paragraph 1 of Article 2 of Military Government Law No. 63 (Conversion Law) (sec. 3.106 (b) (1) of this part) shall be dealt with as follows:

(1) Seven out of every ten Deutsche Marks so credited shall be cancelled with effect from the date of the credit to the blocked Deutsche Mark account (Festkonto)

(2) Two out of every ten Deutsche Marks so credited shall be transferred to the corresponding free Deutsche Mark account (Freikonto)

(3) The balance shall be available for investment in medium and long term securities in accordance with regulations to be issued by the Allied Bank Commission before January 1, 1949.

(b) *Article II.* The Allied Bank Commission is empowered to issue regulations in implementation and amplification of this Law. These regulations shall make such adjustments as may be necessary or appropriate in consequence of this Law in the financial relationships arising from Military Government Law No. 63.

(c) *Article III.* The German text of this law shall be the official text, and the provisions of Military Government Ordinance No. 3 or paragraph 5 of Article II of military Government Law No. 4 shall not apply to such text.

(d) *Article IV.* This Law shall become effective in the Länder Bavaria, Bremen, Hesse and Württemberg-Baden on October 4, 1948. By order of Military Government.

*Sec. 3.106b. Regulation No. 1 under the law concerning blocked accounts (Mil. Govt. Law 65)* Pursuant to Article 2 of the Fourth Law for Monetary Reform (Supplementary Conversion Law) (sec. 3.106a (b) of this part) it is hereby ordered as follows:

(a) *Article 1.* (1) Old currency credit balances, also after the law on blocked accounts has become effective, may be converted into new currency credit balances only on conditions specified in the Third Law for Monetary Reform (Conversion Law) (sec. 3.106 of this Part)

(2) On converting the old currency credit balances, the account holder is to be credited—as soon as this regulation has become effective—on free account with six Deutsche Mark and on investment account (paragraph (b) of this section) with half a Deutsche Mark for every one hundred Reichsmark.

(3) The remaining balance (Article 1, subparagraph c of the Law concerning blocked accounts) on a blocked account after the transfers provided in Article 1, subparagraph a and b of the Supplementary Conversion Law (sec. 3.106a (a) (1) and (2) of this part) have been made, is to be transferred to the investment account of the account holder.

(4) The entries provided in the law concerning blocked accounts and the transfers from blocked accounts to investment accounts (subparagraph (2) of this paragraph) are to be made with the value of June 21, 1948.

(b) *Article 2.* (1) The investment accounts specified in paragraph (a) of this section may be disposed of only in pursuance of the regulations set forth in Article 1, subparagraph c of the Law concerning blocked accounts (sec. 3.106a (a) (3) of this part)

(2) The credit balances on investment accounts are considered to be deposits for a fixed time in the sense of Article 6 of the Issue Law (sec. 3.105 (f) of this part) and of Article 10 of the Conversion Law (sec. 3.106 (j) of this part). An annual interest of two and one-half percent is to be paid on them. Such interest will become due at the end of every calendar year. It is to be credited to the free account of the account holder.

(c) *Article 3.* The German text of this regulation is the official text.

(d) *Article 4.* This regulation becomes effective on November 1, 1948. By order of Allied Bank Commission.

*Sec. 3.109d. Regulation No. 8 under the Conversion Law (regulation concerning deposit funds)* Pursuant to Article 34, paragraph 4 of the Third Law concerning the Monetary Reform (Conversion Law) (sec. 3.106 (hh) (4) of this part) it is ordered as follows:

(a) *Article 1.* (1) Where funds deposited or paid in to the account holder by a third party and administered by the account holder for a third account (deposit funds) are involved in old currency credit balances owned by the occupying forces, Article 34, paragraph (3) of the Conversion Law shall not apply.

(2) All those portions of old currency credit balances owned by the occupying Forces, as defined under subparagraph (1) above, may, pursuant to the provisions of Article XI, paragraph 3, subparagraph (II) of the Currency Law (sec. 3.101 (c) (4) (iii) (b) of this part) and subject to approval by the Allied Bank Commission, subsequently be reported, by use of Form B, to the account keeping financial institution.

(b) *Article 2.* (1) Where funds, deposited or paid in to the account holder by a third party and administered by the account holder for a third account (deposit funds) are involved in old currency credit balances of group III (Article 1, par. (1) subparagraph 1 (c) of the Conversion Law) (sec. 3.106 (a) (1) (i) (c) of this part) Article 9 of the Conversion Law shall not apply.

(2) All those portions of old currency credit balances as defined under subparagraph (1) of this paragraph, may, pursuant to the provisions of Article XI, paragraph 3, subparagraph (II) of the Currency Law, subsequently be reported, by use of form B, to the account keeping financial institution, if the auditing Court concerned certifies that the condition of paragraph (a) of this section is fulfilled. For account holders other than those subject to audits by the Audit Court, the Audit Court of that Land shall have jurisdiction, in which the residence, seat or place of business of the legal representative or administrator of property (trustee) of the account holder is located.

(3) The certificate of the Audit Court shall be applied for by November 15, 1948. Prior to taking any decision, the Audit Court shall verify as to whether or not the credit balances or portions of same provided for reporting involve funds which the applicant has counted into his actual receipts when computing the first supply of new currency which he was entitled to (Art. XV, XVI of the Currency Law) (sec. 3.101 (e) (1) and (2) of this part). In the affirmative, the certificates may only be granted if the applicant proves that he has returned, to the Land Central Bank or to the Bank Deutscher Laender, a corresponding portion of his first supply with new currency.

(4) The decision of the Audit Court on the verification is incontestable.

(c) *Article 3.* Such old currency credit balances reported as belonging to third parties, as specified under paragraphs (a) and (b) of this section, shall be converted into new currency credit balances under the same conditions as the own old

currency credit balances of those persons on whose behalf they are kept (beneficial owners) they shall be extinguished if the beneficial owner belongs to those groups of persons whose old currency credit balances are extinguished under the Conversion Law.

(d) *Article 4.* The German text of this regulation shall be the official text.

(e) *Article 5.* This regulation shall become effective September 15, 1948. By order of the Allied Bank Commission.

SEC. 3.109e. *Regulation No. 9 under the Conversion Law (Mil. Govt. Law 63)* Pursuant to Article 34, paragraph 4 of the Third Law for Monetary Reform (Conversion Law) (sec. 3.106 (hh) (4) of this part) it is ordered as follows:

(a) *Article 1.* Payments by persons resident in the US, UK or French Zones of Germany to persons whose residence, seat or place of business is within the US, UK or French Sectors of Greater Berlin may be effected by payment or transfer of the amount involved:

(1) To an account maintained by such persons with a financial institution or post check office in the specified area which is blocked pursuant to Article 26, paragraph 2 of the Third Law for Monetary Reform (Conversion Law) (sec. 3.106 (z) (2) of this part) or

(2) In favor of such person, to the account of the Currency Commission, Berlin with the Bank deutscher Laender.

(b) *Article 2.* Payments in satisfaction of debts owing by persons resident in the US, UK or French Zones of Germany may be made to a creditor whose residence, seat or place of business is within the US, UK or French Sectors of Greater Berlin by payment or transfer of the amount involved:

(1) To an account maintained by such person with a financial institution or post check office in the specified area which is blocked pursuant to Article 26, paragraph 2 of the Third Law for Monetary Reform (Conversion Law) or

(2) In favor of such person, to the account of the Currency Commission, Berlin with the Bank deutscher Laender.

(c) *Article 3.* Persons having their permanent residence, seat or place of business within the US, UK or French Sector of Greater Berlin may dispose of their credit balances on free accounts (Article 2, par. 1, 2d sentence of the Third Law for Monetary Reform (Conversion Law) (sec. 3.106 (b) (1) of this part) and the Fourth Law for Monetary Reform (Supplementary Conversion Law) by instruction to the financial institution or post check office holding the account:

(1) To transfer an unlimited amount in favor of such person to the account of the Currency Commission, Berlin, with the Bank deutscher Laender, or

(2) To transfer an unlimited amount to an account blocked pursuant to Article 26, paragraph 2 of the Conversion Law held by any persons whose residence, seat or place of business is within the US, UK or French Sectors of Greater Berlin, provided the provisions of Article 6 of the Third Law for Monetary Reform (Conversion Law) (sec. 3.106 (f) of this part) pertaining to tax clearance having been complied with, and that such transfers are prohibited solely by reason of Article

26; paragraph 2 of the Third Law for Monetary Reform (Conversion Law).

(d) *Article 4.* The German text of this regulation shall be the official text.

(e) *Article 5.* This regulation shall become effective on November 20, 1948. By order of the Allied Bank Commission.

SEC. 3.109f. *Regulation No. 11 under the Conversion Law (Mil. Govt. Law 63).* Pursuant to Article 34, paragraph 4 of the Third Law for Monetary Reform (Conversion Law) (sec. 3.106 (hh) (4) of this part) it is hereby ordered:

(a) *Article 1.* The Bank Deutscher Laender has to enter on the liabilities side of the conversion account to be established under Article III, paragraph 4 of the Bank Regulation (sec. 3.108 (c) of this part) in excess of the liabilities specified in Article VII, paragraph A of the Bank Regulation (sec. 3.108 (g) (1) (i) of this part) the equivalent of the converted small monetary symbols called in and withdrawn from circulation by it under Article 4 of the Issue Law (sec. 3.105 of this part).

(b) *Article 2.* The German text of this regulation is the official text.

(c) *Article 3.* This regulation becomes effective on November 15, 1948. By order of Allied Bank Commission.

SEC. 3.109g. *Regulation No. 12 under the Currency Law (Mil. Govt. Law 63) (Repatriated PW Regulation)* Pursuant to Article 34, paragraph 4 of the Third Law for Monetary Reform (Conversion Law) (sec. 3.106 (hh) (4) of this part) it is hereby ordered:

SUBSEQUENT EXCHANGE OF GERMAN CURRENCY FOR FORMER PW'S (REPATRIATED PW'S)

(a) *Article 1.* (1) The subsequent exchange, provided in Article IV paragraph 15 (2) of Regulation No. 1 under the Conversion Law (sec. 3.107 (d) (1) (ii) of this part) of German currency taken away from repatriated PW's on their capture is to be dealt with by the Landeszentralbanken. Competent is the Landeszentralbank in the business area of which the repatriated PW has his residence.

(2) The Landeszentralbank may carry out such conversion only against a certificate duly signed by, and bearing the official seal of, the separation center of the Detaining Power. The amount of German currency taken from the repatriated PW on his capture must appear on the certificate. The delivery of such certificate shall be regarded as surrender of the Reichsmark amount to be converted.

(3) In the case of repatriated PW's returning from American, British or French war captivity, the certificate mentioned in subparagraph (2) of this paragraph, of the separation center of the Detaining Power is replaced by a certificate of the central agency determined for that purpose by the Detaining Power (for the American Detaining Power: the POW Information Bureau at Niederroden near Darmstadt; for the British Detaining Power: the oberfinanzpraesident (President of the Regional Revenue Office) in Hamburg, Roedingmarkt 83; for the French Detaining Power: the Bureau de liaison pour les question de prisonniers

de guerre, Baden-Baden, Europaeischer Hof.)

(b) *Article 2.* (1) The Landeszentralbank shall pay to the repatriated PW one Deutsche Mark for every ten Reichsmark of the amount stated in the Certificate. If the Reichsmark amount to be converted comes to less than six hundred Reichsmark, sixty Deutsche Mark, but not more than one Deutsche Mark for every one Reichsmark shall be paid.

(2) The Landeszentralbank may demand the repatriated PW to prove that he had rightfully acquired the amount of German currency taken from him on his capture.

(3) The payment of the amounts in Deutsche Mark pursuant to subparagraph (1) of this paragraph shall be made for account of the Bank deutscher Laender. The Bank deutscher Laender credits the Landeszentralbank on giro account with the amount paid out in Deutsche Mark and enters it in its conversion account. The credit takes place on the basis of monthly lists to be submitted by the Landeszentralbanken together with the certificates (Paragraph (a) (2) and (3) of this section)

(4) The Landeszentralbank shall certify to the repatriated PW on the discharge paper the amount paid in Deutsche Mark under this regulation.

(5) The provisions of paragraphs (a) and (b) of this section shall apply mutatis mutandis to former prisoners of war originating from the specified area, who subsequent to their discharge from captivity are employed in foreign countries as civilian workers, as soon as they will have established their residence in the specified area.

BAGS CONTAINING VALUABLES OF FORMER MEMBERS OF WEHRMACHT, KEPT IN CUSTODY WITH DEPOSITORIES

(c) *Article 3.* (1) The German currency of repatriated PW's and of missing, killed and deceased former members of the Wehrmacht, kept in bags containing valuables in custody with depositories within the specified area shall be paid without delay by the depositories to a collective account administered for third parties (samuel-Ander-Konfo) to be established with the Landeszentralbank competent for the depository.

(2) The head of the depository, when effecting the payment, shall affirm in writing that the currency paid in originates exclusively from bags containing valuables belonging to former members of the Wehrmacht.

(d) *Article 4.* (1) The accounts administered for third persons (Anderkonten), which have been established by German currency paid in pursuant to paragraph (c) (1) of this section, are to be converted into Deutsche Mark: for every ten Reichsmark one Deutsche Mark, is to be credited on free account.

(2) The provision of subparagraph (1) of this paragraph shall apply likewise to those accounts administered for third parties which have been established by depositories prior to June 27, 1948 by paying in German currency specified in subparagraph (1) of this paragraph, no matter whether the account administered for third parties had been opened



with a Landeszentralbank or with any other financial institution.

(e) *Article 5.* (1) The depository shall issue to the beneficiary a certificate stating the German currency taken from a bag containing valuables, and insert on it the name of the financial institution and the Number of the account administered for third parties. Copy of the certificate shall be forwarded to the account-keeping financial institution.

(2) Repatriated PWs may be given a certificate under subparagraph (1) of this paragraph only if they prove by presentation of their discharge papers that the German currency taken from them on their capture had not already been converted by a Landeszentralbank prior to June 20, 1948 pursuant to paragraph (b) of this section.

(3) The account-keeping financial institution shall pay to the beneficiary against presentation of a certificate issued in pursuance of subparagraph (1) of this paragraph, one Deutsche Mark for every ten Reichsmarks of the amount stated in the certificate, to the debit of the account administered for third parties.

(4) The depository may dispose of the funds kept on the account administered for third parties only in pursuance of the provisions of subparagraphs (1) through (3) of this paragraph. If funds for which a beneficiary cannot be found remain on the account administered for third parties, the decision on such funds shall be reserved to German legislation.

#### CLOSING PROVISIONS

(f) *Article 6.* Article 1 of Regulation No. 7 under the Currency Law, (sec. 3.104d (a) of this part) applies to the old currency notes surrendered under the provisions of this regulation.

(g) *Article 7.* The German text of this regulation is the official text.

(h) *Article 8.* This regulation becomes effective on December 1, 1948. By order of Allied Bank Commission.

Sec. 3.109h. *Regulation No. 13 under Military Government Law No. 63 (Conversion Law) Reichsmark Liabilities to United Nations Nationals.* In exercise of the powers conferred by Article 34, paragraph 4, of the Third Law for Monetary Reform (Conversion Law) (sec. 3.106 (hh) (4) of this part) the Allied Bank Commission hereby orders as follows:

(a) *Article 1.* Paragraph 1 of Article 15 of the Conversion Law (sec. 3.106 (o) (1) of this part) is to be interpreted as follows:

(1) Every creditor who is a United Nations National according to Article 13, paragraph 4 of the Conversion Law (sec. 3.106 (m) (4) of this part) may object to the conversion of his claim into DMs according to the provisions of the Conversion Law by notification to his German debtor by October 20, 1948, at the latest.

(2) Every creditor who is a United Nations National according to Article 13, paragraph 4 of the Conversion Law may equally refuse, subsequent to the October 20, 1948, to accept a payment tendered or made by the German debtor according to

the provisions of the above-mentioned Law.

(3) In case action is taken either under subparagraph (1) or (2) above, the creditor's rights remain unaffected by Law No. 63 (sec. 3.106 of this part)

(b) *Article 2.* The German text of this regulation is the official text.

(c) *Article 3.* This regulation shall become effective on October 20, 1948.

By order of the Allied Bank Commission.

[SEAL]

EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 49-292; Filed, Jan. 12, 1949;  
8:48 a. m.]

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### SITGREAVES NATIONAL FOREST

#### ORDER FOR REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Bear Canyon Allotment and the south portion of the Pinedale Community Allotment, Pinedale Ranger District, Sitgreaves National Forest, State of Arizona; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat., 35; 16 U. S. C. 551) and the act of February 1, 1905 (33 Stat., 628, 16 U. S. C. 472) the following order is issued for the occupancy, use, protection, and administration of land in the Bear Canyon Allotment and the south portion of the Pinedale Community Allotment, Pinedale Ranger District, Sitgreaves National Forest:

#### Temporary Closure From Livestock Grazing

(a) The following-described areas in the Sitgreaves National Forest are hereby closed for the period January 15, 1949 through March 31, 1949 to grazing by horses excepting those that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such lands:

All of the Bear Canyon Allotment and the south portion of the Pinedale Community Allotment, Pinedale Ranger District, Sitgreaves National Forest; bounded on the east by the west and south fences of the Juniper Ridge Allotment and the east fence of the Bear Canyon Allotment; on the south by the fences between the Fort Apache Indian Reservation and the Sitgreaves National Forest; on the west by the west fence of the Pinedale Community Allotment; and on the north by the Aripine, Clay Springs, Pinedale, Linden county road, all within Navajo County, State of Arizona.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a news-

paper of general circulation in the locality in which the Sitgreaves National Forest is located.

Done at Washington, D. C., this 10th day of January 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 49-303; Filed, Jan. 12, 1949;  
8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-1162]

SAN DIEGO GAS AND ELECTRIC CO.

#### NOTICE OF APPLICATION

JANUARY 7, 1949.

Notice is hereby given that on January 4, 1949, an application was filed with the Federal Power Commission by San Diego Gas & Electric Company of California (Applicant), a California corporation having its principal place of business at San Diego, California, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of approximately 50 miles of 16-inch diameter pipeline in San Diego County, California, which is to be a part of an 85 mile 16-inch pipeline connecting with the existing Texas to California pipeline near Moreno, Riverside County, California, and extending southward to the City of San Diego, California, for the purpose of augmenting the gas supply and increasing the deliverability of natural gas to Applicant. The remaining 35 miles, in Riverside County, of the said 85 mile pipeline is to be constructed by Southern Counties Gas Company of California as set forth in its application filed in Docket No. G-1157.

The application states that existing facilities of Applicant limit its ability to receive sufficient volumes of natural gas from Southern Counties to meet its peak day requirements. It is alleged that the proposed pipeline will permit Applicant to receive an additional gas supply of approximately 40 million cubic feet per day.

The estimated total over-all capital cost of construction of Applicant's portion of the proposed facilities is \$3,037,500 to be financed by using various funds which will be available to Applicant from funds on hand, depreciation, earnings, sale of bonds and equity securities, and, if necessary, bank loans.

Any interested state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of San Diego Gas & Electric Company of California is on file with the Commission and open to public inspection. Any person desiring to be

heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 49-282; Filed, Jan. 12, 1949;  
8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1711]

CONSUMERS GAS CO.

### ORDER GRANTING REQUEST FOR EXTENSION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of January 1949.

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company, having requested a one-year extension to January 27, 1950 of the time fixed by our order of January 27, 1948 (Holding Company Act Release No. 7986) within which Consumers Gas Company may purchase a maximum of 400 shares of capital stock of Reading Gas Company from non-affiliated interests as shares become available for purchase; and

Consumers Gas Company having stated that to date no shares of the capital stock of Reading Gas Company have been purchased under the permission granted by the above order, and that an additional one year extension is desired in order to consummate the said purchase program; and

It appearing to the Commission that the requested extension of time is not unreasonable or detrimental to the public interest or the interests of investors or consumers:

It is ordered, That Consumers Gas Company be, and hereby is, granted an additional period of one year from January 27, 1949 within which to consummate the proposed purchase program covered by our order of January 27, 1948, subject, however, to the same conditions and reservation of jurisdiction as are imposed by said order.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 49-285; Filed, Jan. 12, 1949;  
8:46 a. m.]

[File No. 70-2008]

MISSISSIPPI POWER & LIGHT CO.

### ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its

office in the city of Washington, D. C., on the 6th day of January A. D. 1949.

Mississippi Power & Light Company ("Mississippi"), a utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-50 of the rules and regulations promulgated thereunder, with respect to the following proposed transactions;

Mississippi proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, \$7,500,000 principal amount of its First Mortgage Bonds, —% Series, due 1979, to be issued under and secured by the Company's presently existing Mortgage and Deed of Trust dated as of September 1, 1944, as supplemented by a First Supplemental Indenture dated as of June 1, 1947 and as further supplemented by a Second Supplemental Indenture to be dated as of January 1, 1949.

The application-declaration, as amended, states that, of the proceeds from the sale of the bonds, approximately \$1,250,000 will initially be deposited with the Corporate Trustee to be withdrawn against future property additions in accordance with the terms of the Mortgage and Deed of Trust as supplemented. Proceeds from the sale of the bonds will be used to carry forward the Company's construction program and for other corporate purposes.

Applicant-declarant requests that the Commission's order herein be issued as promptly as may be practicable, and that it become effective forthwith upon the issuance thereof.

The application-declaration having been filed on November 29, 1948 and an amendment thereto having been filed on December 21, 1948, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder have been satisfied, the Commission being of the opinion that it is appropriate to grant and permit to become effective said application-declaration, as amended, without the imposition of terms and conditions other than those hereinafter ordered, and the Commission also deeming it appropriate to grant applicant-declarant's request that the order herein become effective forthwith upon the issuance thereof;

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24

and subject to the following additional conditions:

(1) That the proposed sale of bonds of Mississippi shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 49-283; Filed, Jan. 12, 1949;  
8:46 a. m.]

[File No. 70-2019]

CONSOLIDATED EDISON CO. OF NEW YORK,  
INC.

### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of January 1949.

Notice is hereby given that Consolidated Edison Company of New York, Inc. ("Consolidated Edison") has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"). Applicant has designated sections 3, 9 (a) and 10 of the act as applicable to the proposed transaction.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed which is summarized as follows:

Consolidated Edison renders electric and gas service in the city of New York, New York. It owns all the outstanding common stock of Westchester Lighting Company which renders electric and gas service in the county of Westchester, New York. It also owns all the common stock of The Yonkers Electric Light and Power Company which renders electric service in the city of Yonkers, New York. In addition, Consolidated Edison owns 99.86% of the common stock of the New York Steam Corporation, a steam company, and 100% of the common stock of the Consolidated Telegraph and Electrical Subway Company which operates underground cables and conduits. Consolidated Edison and each of its subsidiaries is incorporated under the laws of the State of New York. At the present time, by virtue of having filed an exemption statement pursuant to the provisions of Rule U-2 promulgated under the Act, Consolidated Edison is exempt from all the provisions of the Act and the Rules thereunder except section 9 (a) (2) of the act.

There is pending before this Commission an amended plan (File No. 54-136) jointly filed, pursuant to section 11 (e) of the act, by Long Island Lighting Com-



pany, a registered holding company, and two of its public-utility subsidiary companies, Queens Borough Gas and Electric Company and Nassau & Suffolk Lighting Company, wherein it is proposed that the three companies be consolidated and recapitalized, the resultant consolidated company to be named Long Island Lighting Company ("new consolidated company"). The amended plan provides for the issuance to the preferred shareholders of the constituent companies of an aggregate of 2,417,377.4 shares of common stock of the new consolidated company. The plan also provides for the payment to the existing common stockholders of Long Island Lighting Company of cash in the aggregate amount of \$1,050,000, payable out of earnings accumulated subsequent to the effective date of the plan.

Consolidated Edison proposes to offer to all the holders of the common stock of the new consolidated company, conditioned upon the consolidation becoming effective, an aggregate of \$28,000,000 principal amount of Consolidated Edison's 3% 15-year Convertible Debentures. The offer of Consolidated Edison provides, however, that the consolidation shall have been approved by appropriate regulatory authorities "without providing for the distribution of cash or other property to any of the stockholders of the constituent corporations as such." On the basis of 2,417,377.4 shares of common stock of the new consolidated company proposed to be issued pursuant to the amended plan, the offer would be in the ratio of approximately \$11.58 principal amount of Consolidated Edison's Convertible Debentures for each share of new common stock.

The offer will permit the deposit of certificates of stock of the existing constituent companies or of the common stock of the new consolidated company and its effectiveness is made contingent upon the following two events, among others: (1) Effectuation of the consolidation within 120 days of the date of the initial offer of exchange or within such extended period of time as may be determined by the company with the approval of the Public Service Commission of the State of New York and this Commission; and (2) deposit pursuant to the offer of certificates of stock entitling Consolidated Edison to become the holder of not less than 90% of the total number of outstanding shares of the common stock of the new consolidated company, or such lesser percentage in excess of 66⅔% as may be determined by Consolidated Edison.

At any time after 120 days of the date of the initial offer, Consolidated Edison may terminate the offer as to any certificate as to which the exchange is not then effective and, at the end of six months of the date of the initial offer, such offer will automatically terminate.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application shall not be granted except pursuant to further order of the Commission:

*It is ordered*, Pursuant to sections 9, 10 and 18 of the act, that a hearing be held

on said application on February 8, 1949, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before February 7, 1949, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered*, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the acquisition by Consolidated Edison of shares of the common stock of the new consolidated company will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system or systems.

2. Whether the consideration to be paid by Consolidated Edison for the common stock of the new consolidated company is reasonable and bears a fair relation to the sums invested in and the earning capacity of the utility assets of the new consolidated company.

3. Whether the proposal of Consolidated Edison to acquire common stock of the new consolidated company will unduly complicate the capital structure, or the proper functioning, of the holding company system of Consolidated Edison, or is otherwise detrimental to the public interest or the interest of investors or consumers of Consolidated Edison or the new consolidated company.

4. Whether the proposal of Consolidated Edison will tend towards interlocking relations or the concentration of control of public-utility companies to an extent which is detrimental to the public interest or the interest of investors or consumers.

5. Whether the exchange offer of Consolidated Edison is detrimental to the interests of investors in Long Island or its subsidiaries or the interests of investors in the new consolidated company.

6. Whether the fees, commission, and other expenses to be incurred are for necessary services and reasonable in amount.

7. Whether any terms or conditions should be prescribed in the public interest or for the protection of investors or consumers in respect of the proposal of Consolidated Edison to acquire shares of the common stock of the new consolidated company.

*It is further ordered*, That notice of said hearing is hereby given to Consolidated Edison, Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company, the Public Service Commission of the State of New York, and to all other interested persons, said notice to be given to Consolidated Edison, Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company and the Public Service Commission of the State of New York by registered mail and to all other persons by general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and publication of this notice and order in the FEDERAL REGISTER.

*It is further ordered*, That Consolidated Edison cause notice of said hearing to be given to the respective stockholders of record of Long Island Lighting Company, Queens Borough Gas and Electric Company and Nassau & Suffolk Lighting Company (in so far as the identity of such stockholders is available or known) by mailing, postage prepaid, to each such security holder a copy of this notice and order at least fifteen (15) days prior to the date of said hearing.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 49-287; Filed, Jan. 12, 1949; 8:46 a. m.]

[File No. 70-2021]

ILLINOIS POWER CO.

ORDER PERMITTING DECLARATION TO  
BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of January 1949.

Illinois Power Company ("Illinois"), a registered holding company and a subsidiary of North American Light & Power Company, also a registered holding company, has filed a declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act") particularly sections 6 and 7 thereof, with respect to the following proposed transactions:

Illinois proposes to enter into a credit agreement with a group of banks. The agreement provides for a revolving-fund credit of a maximum of \$25,000,000, against which Illinois may borrow or re-borrow from time to time up to December 31, 1949, at which time the credit will expire. The total of the credit will be reduced by the principal amount of any bonds or debentures that may be issued after the date of the agreement, and outstanding notes will be paid to the extent that they exceed the total amount of the credit as so reduced.

Loans will be evidenced by notes maturing 90 days after their issuance or on December 31, 1949, whichever shall be earlier, and bearing interest, payable at maturity, at a rate per annum of ¼ of

1% above the discount rate, as of the date such loan is made, of the Federal Reserve Bank of New York for advances under section 10 (b) of the Federal Reserve Act. The agreement does not require the payment of any commitment fees.

Illinois may at any time prepay notes, without premium, upon three days' prior notice and may terminate the entire credit upon giving ten days' notice. However, if such termination is occasioned by or in anticipation of other bank borrowing, Illinois must pay a termination fee of  $\frac{1}{4}$  of 1% of the amount of the credit so terminated. During the continuance of the credit and so long as any of the notes remain outstanding, Illinois will not incur any other indebtedness except bonds and debentures which reduce the amount of the credit as above stated and current accounts payable and accrued in the ordinary course of business.

Illinois has outstanding an aggregate of \$5,000,000 of promissory notes bearing interest at the rate of 2% per annum and payable on April 5, 1949, to The Chase National Bank of the City of New York, which will be concurrently repaid with the proceeds of the initial borrowing under the credit agreement.

Illinois states that it desires to consummate the proposed credit agreement in order to immediately acquire additional funds for continuing its construction program, which aggregates approximately \$37,400,000 for the last two months of 1948 and for the year 1949, and that the notes will be repaid out of the proceeds of permanent financing, which may include the issuance of mortgage bonds and preferred stock.

Illinois states that approval of the proposed transactions is not required from any commission other than this Commission.

Said declaration and the amendments thereto having been duly filed and notice of the filing of the declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing, with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 49-284; Filed, Jan. 12, 1949;  
8:46 a. m.]

No. 9—6

## DEPARTMENT OF JUSTICE

### Office of Alien Property

**AUTHORITY:** 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931.

[Vesting Order 12476]

LOTTE HAGELSTEIN

In re: Estate of Lotte Hagelstein, deceased. File No. D-28-12438; E. T. sec. 16654.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilda Jaeger, Oscar Foerster, Anna Catherine Spennemann, and Friedrich Carl Johannes Spennemann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Max Spennemann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Lotte Hagelstein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Harry P. Hagelstein, as Administrator, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York; and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Max Spennemann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-310; Filed, Jan. 12, 1949;  
8:52 a. m.]

[Vesting Order 12578]

HARALD NEHLSSEN

In re: Stock, scrip certificate, bonds, currency and coin owned by and debts owing to Harald Nehlsen. F-28-1352-D-6/16.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harald Nehlsen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Harald Nehlsen and presently in the custody of Helene Engelke, Bogota, New Jersey, together with all declared and unpaid dividends thereon,

b. One hundred (100) shares of no par value common capital stock of National Distillers Products Corporation, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Virginia, evidenced by certificate number TC160876, registered in the name of Harald Nehlsen and presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, as transfer agent of the aforesaid National Distillers Products Corporation, together with all declared and unpaid dividends thereon,

c. Thirty-three and one-half (33 $\frac{1}{2}$ ) shares of no par value (new) common capital stock of Standard Brands Incorporated, 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 418690 for one hundred (100) shares and 480099 for thirty-four (34) shares of old no par value common capital stock of said corporation, registered in the name of Harald Nehlsen and presently in the custody of Helene Engelke, Bogota, New Jersey, together with all declared and unpaid dividends thereon and any and all rights of exchange thereof for a certificate or certificates of said no par value (new) common capital stock of the aforesaid Standard Brands Incorporated,

d. One (1) scrip certificate, bearing number W 2664, for one hundred fifty two-hundredths (150/200) share of California Packing Corporation, 101 California Street, San Francisco, California, a corporation organized under the laws of the State of New York, presently in the custody of Helene Engelke, Bogota, New Jersey, together with any and all rights thereunder and thereto,

e. Three (3) Rhine-Ruhr Water Service Union 6% bearer bonds, due Janu-

ary 1, 1953, of \$1,000 face value each, bearing the numbers M4329, M4330 and M4880, presently in the custody of Helene Engelke, Bogota, New Jersey, together with any and all rights thereunder and thereto,

1. United States currency and coin in the aggregate amount of \$828.97, presently in the custody of Helene Engelke, Bogota, New Jersey, and

g. Those certain debts or other obligations owing to Harald Nehlsen by the corporations whose names and addresses are listed in Exhibit B, attached hereto and by reference made a part hereof, evidenced by those certain dividend checks, issued by or on behalf of said corporations, payable to Harald Nehlsen which are more particularly described in Exhibit B and are presently in the custody of Helene Engelke, Bogota, New Jersey, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same and together with all rights in, to and under, including particularly but not limited to, the rights to possession and presentation for collection and payment of the aforesaid dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account

of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

EXHIBIT A

Name and address of corporation	Place of incorporation	Type of stock	Certificate No.	Number of shares
California Packing Corp., 101 California St., San Francisco, Calif.	New York	No par value common stock.	NYC04052	15
Consolidated Edison Co. of New York, Inc., 4 Irving Pl., New York, N. Y.	do.	do.	172321	50
Distillers Corp.-Seagrams, Ltd., Montreal, Canada.	Canada	\$2 par value common stock.	NCO 10635	74
General Electric Co., 1 River Rd., Schenectady, N. Y.	New York	No par value common stock.	NYC 697093	100
Montgomery Ward & Co., Inc., 610 West Chicago Ave., Chicago, Ill.	Illinois	do.	NYE 268467	60
National Biscuit Co., 449 West 14th St., New York, N. Y.	New Jersey	\$10 par value common stock.	NC 0680514	25
National Dairy Products Corp., 230 Park Ave., New York, N. Y.	Delaware	No par value common stock.	H 334369	47
National Distillers Products Corp., 120 Broadway, New York, N. Y.	Virginia	do.	O 316340	100
The Pennroad Corp., Wilmington, Del.	Delaware	\$1 par value capital stock.	F 127468	50
The Pennsylvania R. R. Co., Broad St. Station Bldg., 1617 Pennsylvania Blvd., Philadelphia, Pa.	Pennsylvania	\$50 par value capital stock.	443499	3
Socony-Vacuum Oil Co., Inc., 26 Broadway, New York, N. Y.	New York	\$15 par value capital stock.	N 816306	100
Southern California Edison Co., Ltd., now known as Southern California Edison Co., 601 West 5th St., Los Angeles, Calif.	California	\$25 par value common stock.	A 916606	2
Standard Oil Co. of California, 225 Bush St., San Francisco, Calif.	Delaware	No par value common stock.	A 931621	2
Texas Gulf Sulphur Co., 75 East 45th St., New York, N. Y.	Texas	No par value capital stock.	D 707313	1
			B 234938	100
			O 193994	25
			NDO 107413	77
			NYO 358810	50
			298389	50

EXHIBIT B

Name and address of corporation	Amount of dividend check	Date of dividend check	Number of dividend check
Montgomery Ward & Co., Inc., 610 West Chicago Ave., Chicago, Ill.	\$12.50	Apr. 15, 1941	C535483
National Biscuit Co., 449 West 14th St., New York, N. Y.	18.80	do.	34579
General Electric Co., 1 River Rd., Schenectady, N. Y.	56.00	Apr. 25, 1941	D191055
National Distillers Products Corp., 120 Broadway, New York, N. Y.	25.00	May 1, 1941	11438
Southern California Edison Co., Ltd., now known as Southern California Edison Co., 601 West 5th St., Los Angeles, Calif.	24.11	May 15, 1941	44352
The Pennsylvania R. R. Co., Broad St. Station Bldg., 1617 Pennsylvania Blvd., Philadelphia, Pa.	5.00	June 30, 1941	134081
Hecker Products Corp., 88 Lexington Ave., New York, N. Y.	4.50	May 1, 1941	015129

[F. R. Doc. 49-312; Filed, Jan. 12, 1949; 8:52 a. m.]

[Vesting Order 12479]

FRIEDRICH RUDOLF LEMKE

In re: Estate of Friedrich Rudolf Lemke, deceased. File No. D-28-9283; E. T. sec. 12099.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Helene Franziska Fenz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Friedrich Rudolf Lemke, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Robert G. Clostermann, Administrator, 320 Lumbermens Building, Portland, Oregon, acting under the judicial supervision of the Circuit Court of the State of Oregon for the County of Multnomah, Portland, Oregon, Docket No. Probate 44531,

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 49-311; Filed, Jan. 12, 1949; 8:52 a. m.]

[Vesting Order 12602]

W. LANDGRAF

In re: Stock, bonds and bank account owned by W. Landgraf, also known as W. Landgraf. F-28-4150-A-1, F-28-4150-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That W. Landgraf, also known as W. Landgraf, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: a. One hundred fifty (150) shares of no par value common capital stock of General Mills, Inc., 400 Second Avenue, South, Minneapolis, Minnesota, a corporation organized under the laws of the State of Delaware, evidenced by a temporary certificate numbered TNYC-29497, for 100 shares and a certificate numbered NY-11386, for 50 shares, registered in the name of Hurley & Co., and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled W. Landgraf, together with all declared and unpaid dividends thereon,

b. Thirty-seven (37) shares of \$10.00 par value new class B non-voting common capital stock of R. J. Reynolds Tobacco Company, Exchange Place, Jersey City, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered BL-225361, registered in the name of Hurley & Co., and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled W. Landgraf, together with all declared and unpaid dividends thereon,

c. Twenty-five (25) shares of no par value common capital stock of Standard Brands, Inc., 595 Madison Avenue, New York 22, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NF-160596, registered in the name of Hurley & Co., and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled W. Landgraf, together with all declared and unpaid dividends thereon,

d. One (1) certificate of deposit for Chicago Rapid Transit Company First and Refunding Gold 6s Bonds, Series A, of an aggregate face value of \$5,000, said certificate numbered NA-311, registered in the name of Hurley & Co., and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled W. Landgraf, together with any and all rights thereunder and thereto,

e. Six (6) Republic of Chile External Sinking Fund 6s Bonds of \$1,000 face value each, bearing the numbers M4260/61 and M4263/66, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled W. Landgraf, together with any and all rights thereunder and thereto,

f. Three (3) City of Milan External Sinking Fund 6½s Bonds, of \$1,000 face value each, bearing the numbers 136, 11825, and 15120 and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled W. Landgraf, together with any and all rights thereunder and thereto, and

g. That certain debt or other obligation owing to W. Landgraf, also known

as W. Landgraf, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a clean credit deposit account, account number LL 780, entitled Mr. W. Landgraf, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by W. Landgraf, also known as W. Landgraf, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 49-313; Filed, Jan. 12, 1949; 8:52 a. m.]

[Vesting Order 12605]

CHRISTIAN RESTLE

In re: Stock owned by Christian Restle. F-28-23998-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Restle, whose last known address is Karlsruhe-Durlach, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: Twenty (20) shares of no par value Common capital stock of Ritter Company, Inc., Rochester 3, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered ACO-632, registered in the name of Christian Restle, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 49-314; Filed, Jan. 12, 1949; 8:52 a. m.]

[Vesting Order 11592, Amdt.]

LOUIS HOLLWEG

Vesting Order No. 11592 dated July 2, 1948 is hereby amended as follows and not otherwise:

By deleting subparagraph 1 thereof in its entirety and substituting therefor the following:

1. That Ernst Lochmann, Auguste Lochmann, Sophie Lochmann, Elisabeth Lochmann, Ida Kuhlmann, Dora Kuhlmann, Auguste Kuhlmann and Louise Kuhlmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany), (.)

All other provisions of said Vesting Order No. 11592 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-316; Filed, Jan. 12, 1949; 8:52 a. m.]

[Vesting Order 12610]

LOTTE STOEHR

In re: Bond and two mortgages owned by Lotte Stoehr.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lotte Stoehr, whose last known address is 26B Kaulbachstrasse, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: a. A mortgage executed on April 18, 1927, by Julius Szalay and Marie Szalay, his wife, to Homestead Farms and Investment Co., a corporation organized under the laws of the State of New Jersey, and recorded in the Office of the County Clerk of Ulster County, New York, on April 27, 1927, in Liber 372 of Mortgages, at page 282, and any and all obligations secured by the said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, excepting, however, such security rights as existed in a parcel of land containing about one acre, released by instrument executed by and between Homestead Farms and Investment Co. and Julius Szalay dated October 15, 1929, and recorded in the County Clerk's Office of Ulster County, New York, on November 19, 1929, in Liber 541 of Conveyances, at page 568, and excepting such security rights as existed in a parcel of land containing approximately 1.21 acres released by instrument executed by and between Homestead Farms and Investment Co. and Julius Szalay, dated February 20, 1934, and recorded in the County Clerk's Office of Ulster County, New York, on March 5, 1934, in Liber 569 of Conveyances, at page 257, and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage and all notes, bonds and other instruments evidencing such obligations,

b. A mortgage executed on February 20, 1934 by Julius Szalay and Marie Szalay, his wife, to Homestead Farms and Investment Co., a corporation organized under the laws of the State of New Jersey, and recorded in the Office of the County Clerk of Ulster County, New York, on March 5, 1934, in Liber 409 of Mortgages, at page 219, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and

collect such obligations, and the right to possession of the aforesaid mortgage, and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described in subparagraphs 2-a and 2-b hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 49-315; Filed, Jan. 12, 1949;  
8:52 a. m.]

[Vesting Order CE-305, Amdt.]

#### COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Vesting Order No. CE-305, dated June 21, 1946, is hereby amended as follows and not otherwise:

1. By deleting the subparagraph thereof reading:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A,

and substituting therefor a new subparagraph reading:

Having found that each of the persons identified in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's identification in Column 2 of said Exhibit A,

2. By deleting the words appearing in Column 1 of Item 8 in Exhibit A of said Vesting Order No. CE-305 and substituting therefor the following:

Johannes Henricus Soethout, his domiciliary personal representatives, heirs, next-of-kin, legatees, and distributees, names unknown, Johanna Haarbosch Soethout, and the nieces and nephews and issue of deceased nieces and nephews within Holland of Antone Soethout, deceased.

3. By deleting the words appearing in Column 1 of Item 9 in Exhibit A of said Vesting Order No. CE-305 and substituting therefor the following:

Maria Soethout Van Der Linden, her domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, and the nieces and nephews and issue of deceased nieces and nephews within Holland of Antone Soethout, deceased.

4. By deleting the words appearing in Column 1 of Item 10 in Exhibit A of said Vesting Order No. CE-305 and substituting therefor the following:

Mrs. Christiaan Soethout, her domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, and the nieces and nephews and issue of deceased nieces and nephews within Holland of Antone Soethout, deceased.

5. By deleting the name Anton Soethout appearing in Column 3 of Item 8 in Exhibit A of said Vesting Order No. CE-305 and substituting therefor the name Antone Soethout.

All other provisions of said Vesting Order No. CE-305 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 49-317; Filed, Jan. 12, 1949;  
8:52 a. m.]